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6 Attorneys for Plaintiffs  
7 CISCO SYSTEMS, INC., CISCO TECHNOLOGY, INC.,  
and CISCO-LINKSYS LLC  
8

9  
10 UNITED STATES DISTRICT COURT  
11 NORTHERN DISTRICT OF CALIFORNIA  
12

13 CISCO SYSTEMS, INC., a California  
Corporation; CISCO TECHNOLOGY, INC., a  
14 California Corporation; CISCO-LINKSYS LLC,  
a California Limited Liability Corporation,

15 Plaintiffs,  
16

17 v.

18 APPLE INC., a California Corporation, formerly  
known as APPLE COMPUTER, INC.,

19 Defendant.  
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Case No.

**COMPLAINT FOR  
TRADEMARK INFRINGEMENT,  
UNFAIR COMPETITION, FALSE  
DESCRIPTION, AND INJURY TO  
BUSINESS REPUTATION**

**DEMAND FOR JURY TRIAL**

1 Plaintiffs CISCO SYSTEMS, INC., CISCO TECHNOLOGY, INC., and CISCO-  
2 LINKSYS LLC (hereinafter “Plaintiffs” or “Cisco”), by their attorneys, as and for their  
3 Complaint against Defendant, APPLE INC., allege as follows:  
4

### 5 I. JURISDICTION AND VENUE

6 1. This is a complaint for Trademark Infringement, Unfair Competition, and False  
7 Description arising under §§ 32 and 43 of the Lanham Act, 15 U.S.C. §§ 1114(1) (Trademark  
8 Infringement) and 1125(a) (Unfair Competition and False Description), for Unfair Business  
9 Practice arising under California Business and Professions Code § 17200 *et seq.*, and for injury  
10 to business reputation.

11 2. This Court has original subject matter jurisdiction over this action pursuant to  
12 28 U.S.C. § 1338(a) and 15 U.S.C. § 1121. This Court has related claim jurisdiction over the  
13 state law claim pursuant to 28 U.S.C. § 1338(b) and 28 U.S.C. § 1367.

14 3. This Court has personal jurisdiction over the defendant Apple Inc. because Apple  
15 maintains its principal place of business in the State of California.

16 4. Venue is proper in this district under 28 U.S.C. §1391(b) and (c) because a  
17 substantial part of the events or omissions giving rise to the claims occurred in this district, a  
18 substantial part of the property that is the subject of the action is situated in this district, and the  
19 defendant maintains its principal place of business in this district.  
20

### 21 II. INTRADISTRICT ASSIGNMENT

22 5. This is a trademark case subject to district-wide assignment under Local  
23 Rule 3-2(c).  
24

### 25 III. THE PARTIES

26 6. Plaintiff Cisco Systems, Inc. is, and at all times mentioned herein was, a  
27 corporation organized and existing under the laws of the State of California, having a principal  
28 place of business at 170 W. Tasman Drive, San Jose, California 95134.



1           12.     Cisco also allied itself very early with pioneers in offering innovative Internet  
2 voice services for consumers. One such pioneer was InfoGear Technology Corporation of  
3 Redwood City, California. InfoGear developed and offered to consumers devices which were  
4 designed to provide easy access to the Internet without the need for a personal computer.

5           13.     To identify to its customers its innovative blend of the global information network  
6 with a traditional telephone, InfoGear created and, on March 20, 1996, applied to register the  
7 iPhone mark with the United States Patent and Trademark Office (the “PTO”). On  
8 November 16, 1999, the PTO approved the application and issued a Certificate of Registration  
9 under Registration Number 2,293,011. A copy of the registration certificate is attached as  
10 Exhibit A.

11           14.     Cisco Systems acquired the rights to the iPhone trademark in June 2000, as part of  
12 its acquisition of InfoGear Technology Corporation. Cisco Systems assigned the iPhone mark to  
13 CTI, which licenses the iPhone mark to Cisco-Linksys LLC. The Patent and Trademark Office  
14 record reflecting these transfers is attached as Exhibit B.

15           15.     InfoGear first began selling iPhone-branded devices in 1997. The original iPhone  
16 was a device that combined a telephone and a dialup Internet portal. Today, Cisco continues to  
17 use the iPhone mark for its family of voice over IP telephones and other telephony equipment  
18 distributed by Cisco-Linksys LLC.

19           16.     For most of its existence, Defendant Apple Inc. has been known primarily as a  
20 manufacturer of personal computers and software. In the last several years, Apple has expanded  
21 into consumer audio devices and music distribution. Apple has not—until now—had any  
22 presence in the field of internet or telephonic voice services or devices.

23           17.     Fully aware that Cisco owned the rights to the iPhone mark, Apple first  
24 approached Cisco in 2001 about the possibility of acquiring or licensing the rights to iPhone.  
25 Apple has continued making such requests to Cisco through the present, including several times  
26 in 2006. Each time, Apple was told that Cisco was not interested in ceding the mark to Apple.

27           18.     Apparently dissatisfied with Cisco’s refusal to allow Apple to use the mark  
28 iPhone for products that would conflict directly with Cisco’s current use of the mark, Apple

1 began a surreptitious effort to attempt to obtain rights to use the name “iPhone” in connection  
2 with the very products, telephones using cellular voice and data networks, for which it had asked  
3 Cisco for rights.

4 19. On September 26, 2006, an entity calling itself Ocean Telecom Services LLC  
5 filed an Intent to Use (ITU) application for the mark iPhone pursuant to 35 U.S.C. § 1051(b). A  
6 copy of the application is attached as Exhibit C.

7 20. The Ocean Telecom application claimed a priority date of March 27, 2006,  
8 pursuant to 35 U.S.C. § 1126(d), based on the filing of application number 37090 in Trinidad and  
9 Tobago.

10 21. On September 19, 2006, Apple filed an application to register the trademark  
11 iPhone in Australia. The IP Australia record reflecting this application is attached as Exhibit D.

12 22. Like the Ocean Telecom application, Apple’s Australian application claimed a  
13 priority date of March 27, 2006, based on the filing of application number 37090 in Trinidad and  
14 Tobago.

15 23. The goods and services description in the Ocean Telecom ITU application is  
16 practically identical to the description found in Apple’s Australian application.

17 24. Upon information and belief, Ocean Telecom Services LLC is owned or  
18 otherwise controlled by Apple and is the alter ego of Apple.

19 25. Upon information and belief, the Ocean Telecom ITU application is being held up  
20 in the United States Patent and Trademark Office because Cisco already has a registration for the  
21 same mark.

22 26. On January 9, 2007, Apple CEO Steve Jobs publicly announced, with great  
23 fanfare, the introduction of a new Apple product named “iPhone.” The announcement was made  
24 during the keynote speech of the Macworld Conference & Expo, an annual event to exhibit  
25 Apple products, which speech receives widespread international press. Apple’s “iPhone”  
26 combines MP3 and video playback capabilities with computer hardware and software for  
27 providing integrated telephone communication via both cellular networks and computerized  
28 global information networks, an internet browser, camera, and personal digital assistant

1 functions. Details regarding pricing, availability, and retail distribution partners included with  
2 the product announcement demonstrate Apple's use of Cisco's mark in connection with the sale,  
3 offering for sale, distribution, or advertising of the Apple product.



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14           27.     Apple's use of "iPhone" in its product promotion and advertising at Macworld  
15 constitutes the use in commerce of a colorable imitation, copy and reproduction of Cisco's  
16 iPhone mark. Upon information and belief, the two marks will share an identical sight and sound  
17 and a strong similarity of meaning. Apple's use of "iPhone" for a cellular and internet phone  
18 device is deceptively and confusingly similar to Cisco's long-standing trademark for an internet-  
19 based telephony device.

20           28.     Apple's "iPhone" device will be distributed and sold in the same types of retail  
21 channels and to the same classes of purchasers as Cisco's iPhone family of products and  
22 services.

23           29.     Apple's use of Cisco's mark is likely to cause confusion, mistake, or deception in  
24 the minds of the public.

25           30.     Apple's infringement constitutes a willful and malicious violation of Cisco's  
26 trademark rights, aimed at preventing Cisco from continuing to build a business around a mark  
27 that it has long possessed.

28     ///

1  
2 **FIRST CLAIM**  
3 **TRADEMARK INFRINGEMENT UNDER LANHAM ACT § 32**

4 31. Plaintiffs repeat and hereby incorporate herein by reference, as though  
5 specifically pleaded herein, the allegations of paragraphs 1 through 30.

6 32. Apple's use of the iPhone brand name comprises an infringement of Cisco's  
7 registered trademark iPhone and is likely to cause confusion, mistake and deception of the public  
8 as to the identity and origin of Cisco's goods, causing irreparable harm to Cisco for which there  
9 is no adequate remedy at law.

10 33. By reason of the foregoing acts, Apple is liable to Cisco for trademark  
11 infringement under 15 U.S.C. § 1114.

12 **SECOND CLAIM**  
13 **UNFAIR COMPETITION UNDER LANHAM ACT § 43**

14 34. Plaintiffs repeat and hereby incorporate herein by reference, as though  
15 specifically pleaded herein, the allegations of paragraphs 1 through 33.

16 35. Apple's use of the iPhone mark to promote, market, or sell telephony products or  
17 services in direct competition with Cisco's iPhone products and services constitutes Unfair  
18 Competition pursuant to 15 U.S.C. § 1125(a). Apple's use of the iPhone mark is likely to cause  
19 confusion, mistake, and deception among consumers. Apple's unfair competition has caused and  
20 will continue to cause damage to Cisco, and is causing irreparable harm to Cisco for which there  
21 is no adequate remedy at law.

22 **THIRD CLAIM**  
23 **UNFAIR COMPETITION UNDER CALIFORNIA BUSINESS**  
24 **AND PROFESSIONS CODE § 17200 et seq.**

25 36. Plaintiffs repeat and hereby incorporate herein by reference, as though  
26 specifically pleaded herein, the allegations of paragraphs 1 through 35.

27 37. Apple's actions discussed herein constitute unfair competition within the meaning  
28 of California Business and Professions Code § 17200.

///





1           WHEREFORE, Plaintiffs pray:

2           1.       That Defendant Apple Inc. and its agents, officers, employees, representatives,  
3 successors, assigns, attorneys and all other persons acting for, with, by, through or under  
4 authority from Defendant, and each of them, be preliminarily and permanently enjoined from:

5                   (a)     using Cisco's trademark depicted in Exhibit A, or any colorable imitation  
6 thereof;

7                   (b)     using any trademark that imitates or is confusingly similar to or in any  
8 way similar to Cisco's trademark iPhone, or that is likely to cause confusion, mistake, deception,  
9 or public misunderstanding as to the origin of Cisco's products or their connectedness to  
10 Defendant.

11           2.       That Defendant be required to file with the Court and serve on Cisco within  
12 thirty (30) days after entry of the Injunction, a report in writing under oath setting forth in detail  
13 the manner and form in which Defendant has complied with the Injunction;

14           3.       That, pursuant to 15 U.S.C. § 1117, Defendant be held liable for all damages  
15 suffered by Cisco resulting from the acts alleged herein;

16           4.       That, pursuant to 15 U.S.C. § 1117, Defendant be compelled to account to Cisco  
17 for any and all profits derived by it from its illegal acts complained of herein;

18           5.       That the Defendant be ordered pursuant to 15 U.S.C. § 1118 to deliver up for  
19 destruction all containers, labels, signs, prints, packages, wrappers, receptacles, advertising,  
20 promotional material or the like in possession, custody or under the control of Defendant bearing  
21 a trademark found to infringe Cisco's iPhone trademark rights, as well as all plates, matrices, and  
22 other means of making the same;

23           6.       That the Court declare this to be an exceptional case and award Cisco its full costs  
24 and reasonable attorneys' fees pursuant to 15 U.S.C. § 1117;

25           7.       That the Court grant Cisco any other remedy to which it may be entitled as  
26 provided for in 15 U.S.C. §§ 1116 and 1117 or under state law; and,

27       ///

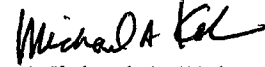
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8. For such other and further relief as the Court deems just and proper.

Dated: January 10, 2007

FOLGER LEVIN & KAHN LLP



Michael A. Kahn  
Attorneys for Plaintiffs  
Cisco Systems, Inc., Cisco Technology, Inc.,  
and Cisco-Linksys LLC

**JURY DEMAND**

Plaintiffs hereby demand a trial by jury of all issues triable before a jury.

Dated: January 10, 2007

FOLGER LEVIN & KAHN LLP



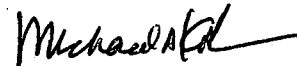
Michael A. Kahn  
Attorneys for Plaintiffs  
Cisco Systems, Inc., Cisco Technology, Inc.,  
and Cisco-Linksys LLC

**CERTIFICATION OF INTERESTED ENTITIES OR PERSONS**

Pursuant to Civil L.R. 3-16, the undersigned certifies that as of this date, other than the named parties, there is no such interest to report.

Dated: January 10, 2007

FOLGER LEVIN & KAHN LLP



Michael A. Kahn  
Attorneys for Plaintiffs  
Cisco Systems, Inc., Cisco Technology, Inc.,  
and Cisco-Linksys LLC

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# **EXHIBIT A**

**Int. Cl.: 9**

**Prior U.S. Cls.: 21, 23, 26, 36, and 38**

**Reg. No. 2,293,011**

**United States Patent and Trademark Office**

**Registered Nov. 16, 1999**

**TRADEMARK  
PRINCIPAL REGISTER**

**IPHONE**

**INFOGEAR TECHNOLOGY CORPORATION  
(CALIFORNIA CORPORATION)  
1775 WOODSIDE ROAD  
REDWOOD CITY, CA 94061**

**FOR: COMPUTER HARDWARE AND SOFT-  
WARE FOR PROVIDING INTEGRATED TELE-  
PHONE COMMUNICATION WITH COMPUTER-**

**IZED GLOBAL INFORMATION NETWORKS ,  
IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).  
FIRST USE 6-6-1997; IN COMMERCE  
6-6-1997.**

**SN 75-076,573, FILED 3-20-1996.**

**RUSS HERMAN, EXAMINING ATTORNEY**

# **EXHIBIT B**

**United States Patent and Trademark Office**

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**Assignments on the Web > Trademark Query****Trademark Assignment Abstract of Title****Total Assignments: 7****Serial #:** 75076573**Filing Dt:** 03/20/1996**Reg #:** 2293011**Reg. Dt:** 11/16/1999**Registrant:** INFOGEAR TECHNOLOGY CORPORATION**Mark:** IPHONE**Assignment: 1****Reel/Frame:** 1678/0099**Received:** 01/27/1998**Recorded:** 01/09/1998**Pages:** 4**Conveyance:** CHANGE OF NAME**Assignor:** ACKERMAN ACQUISITION CORPORATION**Exec Dt:** 03/27/1996**Entity Type:** CORPORATION**Citizenship:** CALIFORNIA**Entity Type:** CORPORATION**Citizenship:** CALIFORNIA**Assignee:** INFOGEAR TECHNOLOGY CORPORATION1775 WOODSIDE ROAD  
REDWOOD CITY, CALIFORNIA 94061**Correspondent:** HOWARD, RICE, NEMEROVSKI, ET AL.SHIRLEY J. SU  
THREE EMBARCADERO CENTER  
7TH FLOOR  
SAN FRANCISCO, CALIFORNIA 94111**Assignment: 2****Reel/Frame:** 1785/0504**Received:** 09/09/1998**Recorded:** 09/03/1998**Pages:** 11**Conveyance:** SECURITY AGREEMENT**Assignor:** INFOGEAR TECHNOLOGY CORPORATION**Exec Dt:** 07/31/1998**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Entity Type:** CORPORATION**Citizenship:** DELAWARE**Assignee:** SILICON VALLEY BANK3003 TASMAN DRIVE  
SANTA CLARA, CALIFORNIA 95054**Correspondent:** SILICON VALLEY BANKJOSEPHINE M. CARINO  
3003 TASMAN DRIVE, NC816  
SANTA CLARA, CA 95054**Assignment: 3****Reel/Frame:** 1835/0375**Received:** 01/05/1999**Recorded:** 12/31/1998**Pages:** 21**Conveyance:** SECURITY INTEREST**Assignor:** INFOGEAR TECHNOLOGY CORPORATION**Exec Dt:** 10/21/1998**Entity Type:** CORPORATION**Citizenship:** NONE**Entity Type:** CORPORATION**Citizenship:** CALIFORNIA**Assignee:** SILICON VALLEY BANK3003 TASMAN DRIVE  
SANTA CLARA, CALIFORNIA 95054

**Correspondent:** SILICON VALLEY BANK  
MAGGIE GARCIA  
3003 TASMAN DRIVE  
SANTA CLARA, CA 95054

**Assignment: 4**

**Reel/Frame:** 2133/0678      **Received:** 09/13/2000

**Recorded:** 08/15/2000

**Pages:** 12

**Conveyance:** MERGER

**Assignor:** INFOGEAR TECHNOLOGY CORPORATION

**Exec Dt:** 06/05/2000

**Entity Type:** CORPORATION

**Citizenship:** CALIFORNIA

**Entity Type:** CORPORATION

**Citizenship:** CALIFORNIA

**Assignee:** CISCO SYSTEMS, INC.  
170 WEST TASMAN DRIVE  
SAN JOSE, CALIFORNIA 95134-1706

**Correspondent:** COOLEY GODWARD LLP  
JANET L. CULLUM  
FIVE PALO ALTO SQUARE  
3000 EL CAMINO REAL  
PALO ALTO, CA 94306

**Assignment: 5**

**Reel/Frame:** 2421/0265      **Received:** 01/14/2002

**Recorded:** 01/07/2002

**Pages:** 5

**Conveyance:** ASSIGNS THE ENTIRE INTEREST

**Assignor:** CISCO SYSTEMS, INC.

**Exec Dt:** 07/30/2001

**Entity Type:** CORPORATION

**Citizenship:** NONE

**Entity Type:** CORPORATION

**Citizenship:** CALIFORNIA

**Assignee:** CISCO TECHNOLOGY, INC.  
170 WEST TASMAN  
SAN JOSE, CALIFORNIA 95134

**Correspondent:** BROBECK, PHLEGER & HARRISON, LLP  
ROCHELLE D. ALPERT  
SPEAR STREET TOWER  
ONE MARKET  
SAN FRANCISCO, CA 94105

**Assignment: 6**

**Reel/Frame:** 3198/0622      **Received:** 08/01/2005

**Recorded:** 07/29/2005

**Pages:** 2

**Conveyance:** RELEASE BY SECURED PARTY

**Assignor:** SILICON VALLEY BANK

**Exec Dt:** 07/22/2005

**Entity Type:** CORPORATION

**Citizenship:** DELAWARE

**Entity Type:** CORPORATION

**Citizenship:** NONE

**Assignee:** INFOGEAR TECHNOLOGY CORPORATION  
170 W TASMAN DRIVE  
SAN JOSE, CALIFORNIA 95134

**Correspondent:** SILICON VALLEY BANK  
LOAN DOCUMENTATION HA155  
3003 TASMAN DR.  
SANTA CLARA, CA 95054

**Assignment: 7**

**Reel/Frame:** 3198/0624     **Received:** 08/01/2005

**Recorded:** 07/29/2005

**Pages:** 2

**Conveyance:** RELEASE BY SECURED PARTY

**Assignor:** SILICON VALLEY BANK

**Exec Dt:** 07/22/2005

**Entity Type:** CORPORATION

**Citizenship:** DELAWARE

**Entity Type:** CORPORATION

**Citizenship:** NONE

**Assignee:** INFOGEAR TECHNOLOGY CORPORATION

170 W TASMAN DRIVE  
SAN JOSE, CALIFORNIA 95134

**Correspondent:** SILICON VALLEY BANK

3003 TASMAN DR.  
LOAN DOCUMENTATION HA155  
SANTA CLARA, CA 95054

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Web interface last modified: July 26, 2006 v.1.10

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# **EXHIBIT C**

## Trademark/Service Mark Application, Principal Register

**Serial Number: 77007808**

**Filing Date: 09/26/2006**

**The table below presents the data as entered.**

<b>SERIAL NUMBER</b>	77007808
<b>MARK INFORMATION</b>	
*MARK	iPhone
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	iPhone
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
<b>APPLICANT INFORMATION</b>	
*OWNER OF MARK	Ocean Telecom Services LLC
*STREET	1209 Orange Street
INTERNAL ADDRESS	Corporation Trust Center, Room 123
*CITY	Wilmington
*STATE (Required for U.S. applicants)	Delaware
*COUNTRY	United States
*ZIP/POSTAL CODE (Required for U.S. applicants only)	19801
EMAIL ADDRESS	jjohnstonocelecom@gmail.com
<b>LEGAL ENTITY INFORMATION</b>	
*TYPE	LIMITED LIABILITY COMPANY
*STATE/COUNTRY UNDER WHICH ORGANIZED	Delaware
<b>GOODS AND/OR SERVICES SECTION</b>	
INTERNATIONAL CLASS	009
DESCRIPTION	handheld and mobile digital electronic devices for the sending and receiving of telephone calls, faxes, electronic mail, and other digital data; MP3 and other digital format audio players; handheld computers, personal digital assistants, electronic organizers, electronic notepads; magnetic data carriers; telephones, mobile phones, computer gaming machines,

	videophones, cameras; prerecorded computer programs for personal information management, database management software, electronic mail and messaging software, paging software, database synchronization software, computer programs for accessing, browsing and searching online databases, computer software and firmware, namely operating system programs, data synchronization programs, and application development tool programs for personal and handheld computers; electronic handheld units for the wireless receipt and/or transmission of data that enable the user to keep track of or manage personal information; software for the redirection of messages, Internet e-mail, and/or other data to one or more electronic handheld devices from a data store on or associated with a personal computer or a server; and software for the synchronization of data between a remote station or device and a fixed or remote station or device; computer hardware and software for providing integrated telephone communication with computerized global information networks
FILING BASIS	SECTION 1(b)
FILING BASIS	SECTION 44(d)
FOREIGN APPLICATION NUMBER	37090
FOREIGN APPLICATION COUNTRY	Trinidad and Tobago
FOREIGN FILING DATE	03/27/2006
<b>GOODS AND/OR SERVICES SECTION</b>	
INTERNATIONAL CLASS	028
DESCRIPTION	hand-held unit for playing electronic games
FILING BASIS	SECTION 1(b)
FILING BASIS	SECTION 44(d)
FOREIGN APPLICATION NUMBER	37090
FOREIGN APPLICATION COUNTRY	Trinidad and Tobago
FOREIGN FILING DATE	03/27/2006
<b>ATTORNEY INFORMATION</b>	
NAME	James Johnston
FIRM NAME	Ocean Telecom Services LLC
STREET	1209 Orange Street
INTERNAL ADDRESS	Corporation Trust Center, Room 123
CITY	Wilmington
STATE	Delaware
COUNTRY	United States
ZIP/POSTAL CODE	19801
EMAIL ADDRESS	jjohnston@ocean.com

AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>CORRESPONDENCE INFORMATION</b>	
NAME	James Johnston
FIRM NAME	Ocean Telecom Services LLC
STREET	1209 Orange Street
INTERNAL ADDRESS	Corporation Trust Center, Room 123
CITY	Wilmington
STATE	Delaware
COUNTRY	United States
ZIP/POSTAL CODE	19801
EMAIL ADDRESS	jjohnstonocean@comcast.net
AUTHORIZED TO COMMUNICATE VIA EMAIL	Yes
<b>FEE INFORMATION</b>	
NUMBER OF CLASSES	2
FEE PER CLASS	325
TOTAL FEE DUE	650
<b>FILING INFORMATION SECTION</b>	
SUBMIT DATE	Tue Sep 26 16:20:01 EDT 2006
TEAS STAMP	USPTO/BAS-204.155.226.2-2 0060926162001309163-77007 808-35079923aef25239279b0 5a72157d6b5d-DA-301-20060 926152514021927

PTO Form 1476 (Rev. 9/2004)  
OMB No. 0551-0069 (Exp. 09/30/2006)

### Trademark/Service Mark Application, Principal Register

**Serial Number: 77007808**

**Filing Date: 09/26/2006**

#### To the Commissioner for Trademarks:

**MARK:** iPhone (Standard Characters, see mark)

The literal element of the mark consists of iPhone. The mark consists of standard characters, without claim to any particular font, style, size, or color.

The applicant, Ocean Telecom Services LLC, a limited liability company organized under the laws of Delaware, having an address of Corporation Trust Center, Room 123, 1209 Orange Street, Wilmington, Delaware, United States, 19801, requests registration of the trademark/service mark identified above in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq.), as amended.

International Class 009: handheld and mobile digital electronic devices for the sending and receiving of telephone calls, faxes, electronic mail,

and other digital data; MP3 and other digital format audio players; handheld computers, personal digital assistants, electronic organizers, electronic notepads; magnetic data carriers; telephones, mobile phones, computer gaming machines, videophones, cameras; prerecorded computer programs for personal information management, database management software, electronic mail and messaging software, paging software, database synchronization software, computer programs for accessing, browsing and searching online databases, computer software and firmware, namely operating system programs, data synchronization programs, and application development tool programs for personal and handheld computers; electronic handheld units for the wireless receipt and/or transmission of data that enable the user to keep track of or manage personal information; software for the redirection of messages, Internet e-mail, and/or other data to one or more electronic handheld devices from a data store on or associated with a personal computer or a server; and software for the synchronization of data between a remote station or device and a fixed or remote station or device; computer hardware and software for providing integrated telephone communication with computerized global information networks

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services and asserts a claim of priority based on Trinidad and Tobago application number, 37090, filed 03/27/2006. 15 U.S.C. Section 1126(d), as amended.

International Class 028: hand-held unit for playing electronic games

Intent to Use: The applicant has a bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with the identified goods and/or services. (15 U.S.C. Section 1051(b)).

Priority based on foreign filing: Applicant has a bona fide intention to use the mark in commerce on or in connection with the identified goods and/or services and asserts a claim of priority based on Trinidad and Tobago application number, 37090, filed 03/27/2006. 15 U.S.C. Section 1126(d), as amended.

The applicant hereby appoints James Johnston of Ocean Telecom Services LLC, Corporation Trust Center, Room 123, 1209 Orange Street, Wilmington, Delaware, United States, 19801 to submit this application on behalf of the applicant.

Correspondence information: James Johnston  
Corporation Trust Center, Room 123  
1209 Orange Street  
Wilmington, Delaware 19801  
jjohnstonocelecom@gmail.com (authorized)

A fee payment in the amount of \$650 will be submitted with the application, representing payment for 2 class(es).

**Declaration**

RAM Sale Number: 301

RAM Accounting Date: 09/27/2006

Serial Number: 77007808

Internet Transmission Date: Tue Sep 26 16:20:01 EDT 2006

TEAS Stamp: USPTO/BAS-204.155.226.2-2006092616200130

9163-77007808-35079923aef25239279b05a721

57d6b5d-DA-301-20060926152514021927

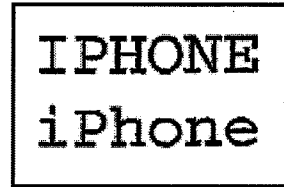
**iPhone**

# **EXHIBIT D**

## Trade Mark Details

### Trade Mark : 1136410

**Word:** IPHONE  
**Image:**  
**Lodgement Date:** 19-SEP-2006  
**Convention Details:** 27-MAR-2006  
 37090  
 TRINIDAD AND TOBAGO  
**Class/es:** 9  
**Status:** Indexing Approved  
**Kind:** n/a  
**Type:** Fancy Series



**Owner/s:** **Apple Computer, Inc.**  
 1 Infinite Loop,  
 Cupertino,  
 California 95014,  
 UNITED STATES OF AMERICA

**Address for Service: Clayton Utz**  
 PO Box H3  
 AUSTRALIA SQUARE  
 1215,NSW

### Goods & Services

**Class: 9** Handheld and mobile digital electronic devices for the sending and receiving of telephone, calls, faxes, electronic mail, and other digital data MP3 and other digital format audio players; handheld computers, personal digital assistants, electronic organizers, electronic notepads; magnetic data ewers; telephones, mobile phones, computer gaming machines, videophones, cameras; pre recorded computer programs for personal information management database management software, electronic mail and messaging software, paging software, database synchronization software, computer programs far accessing, browsing and searching online databases, computer software and firmware, namely operating system programs, data synchronization programs, and application development tool programs for personal and handheld computers; electronic handheld units for the wireless receipt and/or transmission of data that enable the user to keep track of or manage personal information; software for the redirection of messages, Internet mail, and/or other data to me or more electronic handheld devices from a data store on or associated with a personal computer or a server; and software for the synchronization of data between a remote station or device and a fixed or remote station or device; computer hardware and software for providing integrated telephone communication with computerized global, information networks

### Indexing Details - Word Constituents

I	IPHONE
LTR	PHONE

### Indexing Details - Image Constituents