

Int. Cl.: 9

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

United States Patent and Trademark Office

Reg. No. 3,446,818

Registered June 10, 2008

TRADEMARK
PRINCIPAL REGISTER

MAGICJACK

YMAX COMMUNICATIONS CORP (DELAWARE
CORPORATION)
223 SUNSET AVENUE
PALM BEACH, FL 33480

FOR: TELECOMMUNICATIONS EQUIPMENT,
NAMELY, ELECTRICAL CONNECTORS USED TO
ENABLE VOICE COMMUNICATIONS OVER IN-
TERNET PROTOCOL AND IP NETWORKS, IN
CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-7-2007; IN COMMERCE 5-31-2007.

THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.

SN 78-861,724, FILED 4-14-2006.

MICHAEL ENGEL, EXAMINING ATTORNEY

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
www.uspto.gov

NOTICE OF APPROVAL OF EXTENSION REQUEST

May 9, 2008

TM107

ATTORNEY
REFERENCE NUMBER:

Anna W. Manville
Arnold & Porter, LLP
IP Docketing
555 12th Street, N.W.
WASHINGTON DC 20004

20675.001

SERIAL NUMBER: 78/861724

MARK: MAGICJACK

OWNER: YMax Communications Corp

EXTENSION REQUEST NUMBER: 1 **NOTICE OF ALLOWANCE DATE:** Nov 13, 2007

A Notice of Allowance was issued on Nov 13, 2007 for the trademark application identified above. The FIRST request for Extension of Time to File a Statement of Use has been approved. Applicant must continue to file extension requests every 6 months calculated from the date the Notice of Allowance was issued until a Statement of Use is filed. Please note that a Statement of Use cannot be filed more than 36 months from the issuance date of the Notice of Allowance. For further information please check the USPTO web site at www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.

Trademark Snap Shot ITU Unit Action
(Table presents the data on ITU Unit Action)

OVERVIEW

SERIAL NUMBER	78861724	FILING DATE	04/14/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	ENGEL, MICHAEL L	L.O. ASSIGNED	107

PUB INFORMATION

RUN DATE	05/09/2008		
PUB DATE	08/21/2007		
STATUS	819-SU - REGISTRATION REVIEW COMPLETE		
STATUS DATE	05/08/2008		
LITERAL MARK ELEMENT	MAGICJACK		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	RE PUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	YES	1 (a)	NO
1 (b)	YES	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES

LITERAL MARK ELEMENT	MAGICJACK
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	20-OWNER AT PUBLICATION
NAME	YMax Communications Corp
ADDRESS	223 Sunset Avenue Palm Beach, FL 33480
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

GOODS AND SERVICES

INTERNATIONAL CLASS	009
DESCRIPTION TEXT	telecommunications equipment, namely, electrical connectors used to enable voice communications over Internet Protocol and IP networks

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	009	FIRST USE DATE	03/07/2007	FIRST USE IN COMMERCE DATE	05/31/2007	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
PSEUDO MARK	MAGIC JACK

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
05/08/2008	REGV	O	LAW OFFICE REGISTRATION REVIEW COMPLETED	026
05/08/2008	CNPR	P	ALLOWED PRINCIPAL REGISTER - SOU ACCEPTED	025
04/30/2008	SUPC	I	STATEMENT OF USE PROCESSING COMPLETE	024
04/30/2008	EX1G	S	EXTENSION 1 GRANTED	023
04/18/2008	IUAF	S	USE AMENDMENT FILED	022
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05/11/2007	ALIE	A	ASSIGNED TO LIE	013
04/24/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	012
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03/23/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
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09/25/2006	GNRT	F	NON-FINAL ACTION E-MAILED	005
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04/21/2006	MPMK	O	NOTICE OF PSEUDO MARK MAILED	002
04/20/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Anna W. Manville
CORRESPONDENCE ADDRESS	Anna W. Manville Arnold & Porter, LLP IP Docketing 555 12th Street, N.W. WASHINGTON DC 20004
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	YMax Communications Corp
ADDRESS	223 Sunset Avenue Palm Beach, FL 33480
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

MAGICJACK

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451
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NOTICE OF ACCEPTANCE OF STATEMENT OF USE

May 9, 2008

TM107

ATTORNEY
REFERENCE NUMBER:

Anna W. Manville
Arnold & Porter, LLP
IP Docketing
555 12th Street, N.W.
WASHINGTON DC 20004

20675.001

SERIAL NUMBER: 78/861724
MARK: MAGICJACK
OWNER: YMax Communications Corp

The Statement of Use (SOU) filed for the trademark application identified above has been accepted. This acceptance means that the mark will register and the registration certificate will issue in due course barring any extraordinary circumstances. For further information please check the USPTO web site at www.uspto.gov or call the Trademark Assistance Center at 1-800-786-9199.

Trademark Snap Shot Publication & Issue Review Stylesheet
 (Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	78861724	FILING DATE	04/14/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
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SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	RE PUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	YES	1 (a)	NO
1 (b)	YES	1 (b)	NO	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES

LITERAL MARK ELEMENT	MAGICJACK
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

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DOMESTIC REPRESENTATIVE	NONE

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CITIZENSHIP	Delaware

MAGICJACK

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SERIAL NUMBER	78861724	FILING DATE	04/14/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
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DATE AMEND REG	N/A		

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1 (b)	YES	1 (b)	NO	1 (b)	NO
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44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
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STANDARD CHARACTER MARK	YES

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04/24/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	009
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03/22/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
03/22/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	006
09/25/2006	GNRT	F	NON-FINAL ACTION E-MAILED	005
09/25/2006	CNRT	R	NON-FINAL ACTION WRITTEN	004
09/21/2006	DOCK	D	ASSIGNED TO EXAMINER	003
04/21/2006	MPMK	O	NOTICE OF PSEUDO MARK MAILED	002
04/20/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

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ATTORNEY	Anna W. Manville
CORRESPONDENCE ADDRESS	Anna W. Manville Arnold & Porter, LLP IP Docketing 555 12th Street, N.W. WASHINGTON DC 20004
DOMESTIC REPRESENTATIVE	NONE

PRIOR OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	YMax Communications Corp
ADDRESS	223 Sunset Avenue Palm Beach, FL 33480
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

MAGICJACK

SOU Extension Request (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78861724
LAW OFFICE ASSIGNED	LAW OFFICE 107
MARK SECTION	
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	MAGICJACK
OWNER SECTION (current)	
NAME	YMax Communications Corp
STREET	223 Sunset Avenue
CITY	Palm Beach
STATE	Florida
ZIP/POSTAL CODE	33480
COUNTRY	United States
OWNER SECTION (proposed)	
NAME	YMax Communications Corp.
STREET	5700 Georgia Ave.
CITY	West Palm Beach
STATE	Florida
ZIP/POSTAL CODE	33405
COUNTRY	United States
ATTORNEY SECTION (current)	
NAME	Anna W. Manville

FIRM NAME	ARNOLD & PORTER LLP
STREET	555 12TH ST NW STE 100
CITY	WASHINGTON
STATE	District of Columbia
POSTAL CODE	20004-1206
COUNTRY	United States
PHONE	202-942-5163
FAX	202-942-5999
EMAIL	trademarkdocketing@aporter.com
ATTORNEY DOCKET NUMBER	03803.012
ATTORNEY SECTION(proposed)	
NAME	Anna W. Manville
FIRM NAME	Arnold & Porter, LLP
INTERNAL ADDRESS	IP Docketing
STREET	555 12th Street, N.W.
CITY	WASHINGTON
STATE	District of Columbia
POSTAL CODE	20004
COUNTRY	United States
PHONE	202-942-5000
FAX	202-942-5999
EMAIL	Trademarkdocketing@aporter.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
ATTORNEY DOCKET NUMBER	20675.001
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	009
CURRENT IDENTIFICATION	telecommunications equipment, namely, electrical connectors used to enable voice communications over Internet Protocol and IP networks

GOODS OR SERVICES	KEEP ALL LISTED
EXTENSION SECTION	
EXTENSION NUMBER	1
ALLOWANCE MAIL DATE	11/13/2007
STATEMENT OF USE	YES
PAYMENT SECTION	
NUMBER OF CLASSES	1
SUBTOTAL AMOUNT	150
TOTAL AMOUNT	150
SIGNATURE SECTION	
SIGNATURE	/Peter Russo/
SIGNATORY'S NAME	Peter Russo
SIGNATORY'S POSITION	Chief Financial Officer
DATE SIGNED	04/18/2008
FILING INFORMATION	
SUBMIT DATE	Fri Apr 18 11:40:07 EDT 2008
TEAS STAMP	USPTO/ESU-66.28.47.100-20 080418114007614928-788617 24-400d78a576d1935da183bf 7bff52f5e94d-DA-6501-2008 0418112659218560

**SOU Extension Request
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: MAGICJACK
SERIAL NUMBER: 78861724

The applicant, YMax Communications Corp., having an address of 5700 Georgia Ave., West Palm Beach, Florida United States 33405, requests a six-month extension of time to file the Statement of Use under 37 C.F.R. Section 2.89 in this application. The Notice of Allowance mailing date was 11/13/2007.

For International Class 009:

Current identification: telecommunications equipment, namely, electrical connectors used to enable voice communications over Internet Protocol and IP networks

The applicant has a continued bona fide intention to use or use through the applicant's related company or licensee the mark in commerce on or in connection with all of the goods and/or services listed in the Notice of Allowance or as subsequently modified for this specific class.

This is the first extension request.

A Statement of Use is being submitted along with the Extension request as evidence that applicant believes that it has made valid use of the mark in commerce. If the USPTO finds the Statement of Use to be fatally defective, the applicant requests additional time to file an amended or substitute Statement of Use.

The applicant hereby appoints Anna W. Manville of Arnold & Porter, LLP, IP Docketing, 555 12th Street, N.W., WASHINGTON, District of Columbia United States 20004 to submit this Request for Extension of Time to File a Statement of Use on behalf of the applicant. The attorney docket/reference number is 20675.001.

A fee payment in the amount of \$150 will be submitted with the form, representing payment for 1 class.

Declaration

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Peter Russo/ Date Signed: 04/18/2008

Signatory's Name: Peter Russo

Signatory's Position: Chief Financial Officer

Mailing Address:

ARNOLD & PORTER LLP

555 12TH ST NW STE 100

WASHINGTON, District of Columbia 20004-1206

Mailing Address:

Arnold & Porter, LLP

IP Docketing
555 12th Street, N.W.
WASHINGTON, District of Columbia 20004

RAM Sale Number: 6501
RAM Accounting Date: 04/18/2008

Serial Number: 78861724
Internet Transmission Date: Fri Apr 18 11:40:07 EDT 2008
TEAS Stamp: USPTO/ESU-66.28.47.100-20080418114007614
928-78861724-400d78a576d1935da183bf7bff5
2f5e94d-DA-6501-20080418112659218560

TEAS ROUTING SHEET

To: INTENT TO USE UNIT

Work Loc: INTENT TO USE SECTION

Doc Type: Extension Request for SOU (ESU)



Serial Number: 78861724



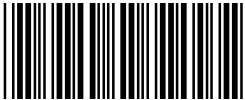
Mark: MAGICJACK

Mail Date: 2008/04/18



Examiner Number: 76079

LIE Number: 68552



**Examiner Name:
ENGEL, MICHAEL L**



**LIE Name:
ROY, ANA G**

L.O. Assigned: LAW OFFICE 107

Special Instruction(s):

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Extension Request for SOU	7004	20080418	\$150	1	\$150

Note: SOU has been previously filed. Do NOT automatically grant the extension.

magicJack

Welcome to a lifetime of savings.

"I have never seen a simpler to use product. You simply plug it into your computer, plug in your phone, and start calling. The call quality is perfect... this device is so simple my grandmother could install one on her PC and begin..."



Install Help

If the magicJack does not install after 3 minutes then:

1. Unplug your magicJack, wait a full 30 seconds, then re-plug into a different USB port on your computer. This is the simplest fix and resolves over 90% of install issues.
2. Wait a complete two minutes for the software to install. DO NOT ATTEMPT A CALL OR PRESS YOUR KEYBOARD UNTIL YOU REGISTER.

Remember: magicJack works best when plugged directly into a USB port on your computer. Do not plug into a multi port USB hub that is not AC powered.

3. In a few rare instances, your USB port on your computer may not have enough power. In these instances (only when #1 and #2 did not resolve the issue), we recommend that you plug magicJack into an AC powered USB hub that is plugged into your computer. You may purchase a powered hub at any store that sells computers.

Easy Fix

Go to www.magicJack.com
click "customer care" to run magicFix



Monthly Maintenance

1. Unplug your router, wait 60 seconds and turn it back on.

Requirements

1. Microsoft Windows XP or Vista, Apple/Mac
2. You must have a High Speed Internet Connection (i.e. Broadband, Cable Internet, DSL, Wireless, Wi-Fi, WiMax, or FiOS).

IMPORTANT! READ THE FOLLOWING REGARDING ENHANCED 911 SERVICE USING THE MAGICJACK

Dialing 911:

1. REQUIRES prior activation on your part. You must register your correct service address and update your registered address if you use your magicJack from another location. You will receive an e-mail confirming your current registered address.
2. Will NOT function during a broadband or power disruption/outage.
3. Will NOT function if the magicJack is damaged or disabled.
4. Is subject to the limitations of the 911 emergency response system where your registered address is located.
5. Is FREE and available anywhere in the United States and is easy to activate when you plug in your magicJack.

You should maintain an alternate means of dialing 911 and make sure other users of your magicJack know this.

Visit www.magicjack.com for details.

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78861724
LAW OFFICE ASSIGNED	LAW OFFICE 107
NOTICE OF ALLOWANCE	YES
EXTENSION OF USE	YES
REQUEST TO DIVIDE	NO
MARK SECTION	
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	MAGICJACK
OWNER SECTION (current)	
NAME	YMax Communications Corp
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FIRM NAME	Arnold & Porter, LLP
INTERNAL ADDRESS	IP Docketing
STREET	555 12th Street, N.W.
CITY	WASHINGTON
STATE	District of Columbia
POSTAL CODE	20004
COUNTRY	United States
PHONE	202-942-5000
FAX	202-942-5999
EMAIL	Trademarkdocketing@aporter.com
AUTHORIZED TO COMMUNICATE VIA E-MAIL	Yes
ATTORNEY DOCKET NUMBER	20675.001
GOODS AND/OR SERVICES SECTION	

INTERNATIONAL CLASS	009
CURRENT IDENTIFICATION	telecommunications equipment, namely, electrical connectors used to enable voice communications over Internet Protocol and IP networks
GOODS AND/OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	03/07/2007
FIRST USE IN COMMERCE DATE	05/31/2007
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT\IMAGEOUT\788\617\78861724\xml1\SOU0.002.JPG
	\\TICRS\EXPORT\IMAGEOUT\788\617\78861724\xml1\SOU0.003.JPG
SPECIMEN DESCRIPTION	Photocopy of the front and back of the packaging for the goods.
PAYMENT SECTION	
NUMBER OF CLASSES	1
SUBTOTAL AMOUNT	100
TOTAL AMOUNT	100
SIGNATURE SECTION	
SIGNATURE	/Peter Russo/
SIGNATORY'S NAME	Peter Russo
SIGNATORY'S POSITION	Chief Financial Officer
DATE SIGNED	04/18/2008
FILING INFORMATION	
SUBMIT DATE	Fri Apr 18 11:41:39 EDT 2008
TEAS STAMP	USPTO/SOU-66.28.47.100-20 080418114139713462-788617 24-4006b87b56c58cb56ddb18 74a4b193ce314-DA-6516-200 80418103438209068

Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))

To the Commissioner for Trademarks:

MARK: MAGICJACK

SERIAL NUMBER: 78861724

This Allegation of Use is being filed after a Notice of Allowance has issued.
An Extension of Time form is being filed with the Allegation of Use.

The applicant, YMax Communications Corp., having an address of 5700 Georgia Ave., West Palm Beach, Florida United States 33405, is using or is using through a related company or licensee the mark in commerce on or in connection with the goods and/or services as follows:

For International Class 009:

Current identification: telecommunications equipment, namely, electrical connectors used to enable voice communications over Internet Protocol and IP networks

The applicant, or the applicant's related company or licensee, is using the mark in commerce on or in connection with all goods and/or services listed in the application or Notice of Allowance or as subsequently modified.

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 03/07/2007, and first used in commerce at least as early as 05/31/2007, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Photocopy of the front and back of the packaging for the goods..

[Specimen File1](#)

[Specimen File2](#)

The applicant hereby appoints Anna W. Manville of Arnold & Porter, LLP, IP Docketing, 555 12th Street, N.W., WASHINGTON, District of Columbia United States 20004 to submit this Trademark/Service Mark Statement of Use on behalf of the applicant. The attorney docket/reference number is 20675.001.

A fee payment in the amount of \$100 will be submitted with the form, representing payment for 1 class.

Declaration

Applicant requests registration of the above-identified trademark/service mark 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). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned being hereby warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements and the like may jeopardize the validity of this document, declares that he/she is properly authorized to execute this document on behalf of the Owner; and all statements made of his/her own knowledge are true and that all statements made on information and belief are believed to be true.

Signature: /Peter Russo/ Date Signed: 04/18/2008

Signatory's Name: Peter Russo

Signatory's Position: Chief Financial Officer

Mailing Address:

ARNOLD & PORTER LLP

555 12TH ST NW STE 100

WASHINGTON, District of Columbia 20004-1206

Mailing Address:

Arnold & Porter, LLP

IP Docketing

555 12th Street, N.W.

WASHINGTON, District of Columbia 20004

RAM Sale Number: 6516

RAM Accounting Date: 04/18/2008

Serial Number: 78861724

Internet Transmission Date: Fri Apr 18 11:41:39 EDT 2008

TEAS Stamp: USPTO/SOU-66.28.47.100-20080418114139713

462-78861724-4006b87b56c58cb56ddb1874a4b

193ce314-DA-6516-20080418103438209068

magicJack

Welcome to a lifetime of savings.

"I have never seen a simpler to use product. You simply plug it into your computer, plug in your phone, and start calling. The call quality is perfect... this device is so simple my grandmother could install one on her PC and begin..."



Install Help

If the magicJack does not install after 3 minutes then:

1. Unplug your magicJack, wait a full 30 seconds, then re-plug into a different USB port on your computer. This is the simplest fix and resolves over 90% of install issues.
2. Wait a complete two minutes for the software to install. DO NOT ATTEMPT A CALL OR PRESS YOUR KEYBOARD UNTIL YOU REGISTER.

Remember: magicJack works best when plugged directly into a USB port on your computer. Do not plug into a multi port USB hub that is not AC powered.

3. In a few rare instances, your USB port on your computer may not have enough power. In these instances (only when #1 and #2 did not resolve the issue), we recommend that you plug magicJack into an AC powered USB hub that is plugged into your computer. You may purchase a powered hub at any store that sells computers.

Easy Fix

Go to www.magicJack.com
click "customer care" to run magicFix



Monthly Maintenance

1. Unplug your router, wait 60 seconds and turn it back on.

Requirements

1. Microsoft Windows XP or Vista, Apple/Mac
2. You must have a High Speed Internet Connection (i.e. Broadband, Cable Internet, DSL, Wireless, Wi-Fi, WiMax, or FiOS).

IMPORTANT! READ THE FOLLOWING REGARDING ENHANCED 911 SERVICE USING THE MAGICJACK

Dialing 911:

1. REQUIRES prior activation on your part. You must register your correct service address and update your registered address if you use your magicJack from another location. You will receive an e-mail confirming your current registered address.
2. Will NOT function during a broadband or power disruption/outage.
3. Will NOT function if the magicJack is damaged or disabled.
4. Is subject to the limitations of the 911 emergency response system where your registered address is located.
5. Is FREE and available anywhere in the United States and is easy to activate when you plug in your magicJack.

You should maintain an alternate means of dialing 911 and make sure other users of your magicJack know this.

Visit www.magicjack.com for details.

FEE RECORD SHEET

Serial Number: 78861724



RAM Sale Number: 6516

Total Fees: \$100

RAM Accounting Date: 20080418

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20080418	\$100	1	\$100

Transaction Date: 20080418



U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 571-273-9550. Please include the serial number of your application on ALL correspondence with the USPTO.

ISSUE DATE: Nov 13, 2007

ANNA W. MANVILLE
ARNOLD & PORTER LLP
555 12TH ST NW STE 100
WASHINGTON, DC 20004-1206

ATTORNEY
REFERENCE NUMBER

03803.012

**** IMPORTANT INFORMATION: 6 MONTH DEADLINE ****

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have six (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION. Please note that both the "Statement of Use " and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

The following information should be reviewed for accuracy:

SERIAL NUMBER: 78/861724
MARK: MAGICJACK (STANDARD CHARACTER MARK)
OWNER: YMax Communications Corp
223 Sunset Avenue
Palm Beach , FLORIDA 33480

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO Section 1(b): YES Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

009 - telecommunications equipment, namely, electrical connectors used to enable voice communications over Internet Protocol and IP networks -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

Side - 1

NOTICE OF PUBLICATION UNDER §12(a)

MAILING DATE: Aug 1, 2007

PUBLICATION DATE: Aug 21, 2007

The mark identified below will be published in the Official Gazette on Aug 21, 2007. Any party who believes they will be damaged by registration of the mark may oppose its registration by filing an opposition to registration or a request to extend the time to oppose within thirty (30) days from the publication date on this notice. If no opposition is filed within the time specified by law, the USPTO may issue a Notice of Allowance. To view the Official Gazette online or to order a paper copy, visit the USPTO website at <http://www.uspto.gov/web/trademarks/tmog/> any time within the five-week period after the date of publication. You may also order a printed version from the U.S. Government Printing Office (GPO) at <http://bookstore.gpo.gov> or 202-512-1800. To check the status of your application, go to <http://tarr.uspto.gov/>.

SERIAL NUMBER: 78861724

MARK: MAGICJACK

OWNER: YMax Communications Corp

Side - 2

UNITED STATES PATENT AND TRADEMARK OFFICE
COMMISSIONER FOR TRADEMARKS
P.O. BOX 1451
ALEXANDRIA, VA 22313-1451

FIRST-CLASS
MAIL
U.S POSTAGE
PAID

ANNA W MANVILLE
ARNOLD & PORTER LLP
555 12TH ST NW STE 100
WASHINGTON, DC 20004-1206

Trademark Snap Shot Publication & Issue Review Stylesheet
 (Table presents the data on Publication & Issue Review Complete)

OVERVIEW

SERIAL NUMBER	78861724	FILING DATE	04/14/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	SHEFFIELD, SHARI L	L.O. ASSIGNED	107

PUB INFORMATION

RUN DATE	05/12/2007		
PUB DATE	N/A		
STATUS	681-PUBLICATION/ISSUE REVIEW COMPLETE		
STATUS DATE	05/11/2007		
LITERAL MARK ELEMENT	MAGICJACK		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	RE PUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES

LITERAL MARK ELEMENT	MAGICJACK
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	YMax Communications Corp
ADDRESS	223 Sunset Avenue Palm Beach, FL 33480
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

GOODS AND SERVICES

INTERNATIONAL CLASS	009
DESCRIPTION TEXT	telecommunications equipment, namely, electrical connectors used to enable voice communications over Internet Protocol and IP networks

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	009	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
PSEUDO MARK	MAGIC JACK

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
05/11/2007	PREV	O	LAW OFFICE PUBLICATION REVIEW COMPLETED	014
05/11/2007	ALIE	A	ASSIGNED TO LIE	013
04/24/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	012
04/24/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	011
04/24/2007	GNEA	O	EXAMINERS AMENDMENT E-MAILED	010
04/24/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	009
03/23/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008

03/22/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
03/22/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	006
09/25/2006	GNRT	F	NON-FINAL ACTION E-MAILED	005
09/25/2006	CNRT	R	NON-FINAL ACTION WRITTEN	004
09/21/2006	DOCK	D	ASSIGNED TO EXAMINER	003
04/21/2006	MPMK	O	NOTICE OF PSEUDO MARK MAILED	002
04/20/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Anna W. Manville
CORRESPONDENCE ADDRESS	ANNA W. MANVILLE ARNOLD & PORTER LLP 555 12TH ST NW STE 100 WASHINGTON, DC 20004-1206
DOMESTIC REPRESENTATIVE	NONE

MAGICJACK

Trademark Snap Shot Amendment & Mail Processing Stylesheet
 (Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	78861724	FILING DATE	04/14/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	SHEFFIELD, SHARI L	L.O. ASSIGNED	107

PUB INFORMATION

RUN DATE	04/25/2007		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATON		
STATUS DATE	04/24/2007		
LITERAL MARK ELEMENT	MAGICJACK		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	RE PUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES

LITERAL MARK ELEMENT	MAGICJACK
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	YMax Communications Corp
ADDRESS	223 Sunset Avenue Palm Beach, FL 33480
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

GOODS AND SERVICES

INTERNATIONAL CLASS	009
DESCRIPTION TEXT	telecommunications equipment, namely, electrical connectors used to enable voice communications over Internet Protocol and IP networks

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	009	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
PSEUDO MARK	MAGIC JACK

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/24/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	012
04/24/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	011
04/24/2007	GNEA	O	EXAMINERS AMENDMENT E-MAILED	010
04/24/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	009
03/23/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
03/22/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
03/22/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	006

09/25/2006	GNRT	F	NON-FINAL ACTION E-MAILED	005
09/25/2006	CNRT	R	NON-FINAL ACTION WRITTEN	004
09/21/2006	DOCK	D	ASSIGNED TO EXAMINER	003
04/21/2006	MPMK	O	NOTICE OF PSEUDO MARK MAILED	002
04/20/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Anna W. Manville
CORRESPONDENCE ADDRESS	ANNA W. MANVILLE ARNOLD & PORTER LLP 555 12TH ST NW STE 100 WASHINGTON, DC 20004-1206
DOMESTIC REPRESENTATIVE	NONE

MAGICJACK

Trademark Snap Shot Publication Stylesheet
(Table presents the data on Publication Approval)

OVERVIEW

SERIAL NUMBER	78861724	FILING DATE	04/14/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	SHEFFIELD, SHARI L	L.O. ASSIGNED	107

PUB INFORMATION

RUN DATE	04/25/2007		
PUB DATE	N/A		
STATUS	680-APPROVED FOR PUBLICATION		
STATUS DATE	04/24/2007		
LITERAL MARK ELEMENT	MAGICJACK		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	RE PUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES

LITERAL MARK ELEMENT	MAGICJACK
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	YMax Communications Corp
ADDRESS	223 Sunset Avenue Palm Beach, FL 33480
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

GOODS AND SERVICES

INTERNATIONAL CLASS	009
DESCRIPTION TEXT	telecommunications equipment, namely, electrical connectors used to enable voice communications over Internet Protocol and IP networks

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	009	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
PSEUDO MARK	MAGIC JACK

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
04/24/2007	CNSA	P	APPROVED FOR PUB - PRINCIPAL REGISTER	012
04/24/2007	XAEC	I	EXAMINER'S AMENDMENT ENTERED	011
04/24/2007	GNEA	O	EXAMINERS AMENDMENT E-MAILED	010
04/24/2007	CNEA	R	EXAMINERS AMENDMENT -WRITTEN	009
03/23/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
03/22/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
03/22/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	006

09/25/2006	GNRT	F	NON-FINAL ACTION E-MAILED	005
09/25/2006	CNRT	R	NON-FINAL ACTION WRITTEN	004
09/21/2006	DOCK	D	ASSIGNED TO EXAMINER	003
04/21/2006	MPMK	O	NOTICE OF PSEUDO MARK MAILED	002
04/20/2006	NWAP	I	NEW APPLICATION ENTERED IN TRAM	001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY	Anna W. Manville
CORRESPONDENCE ADDRESS	ANNA W. MANVILLE ARNOLD & PORTER LLP 555 12TH ST NW STE 100 WASHINGTON, DC 20004-1206
DOMESTIC REPRESENTATIVE	NONE

MAGICJACK

To: YMax Communications Corp (trademarkdocketing@aporter.com)
Subject: TRADEMARK APPLICATION NO. 78861724 - MAGICJACK - 03803.012
Sent: 4/24/07 4:33:50 PM
Sent As: ECOM107@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/861724

APPLICANT: YMax Communications Corp

78861724

CORRESPONDENT ADDRESS:

ANNA W. MANVILLE
ARNOLD & PORTER LLP
555 12TH ST NW STE 100
WASHINGTON, DC 20004-1206

RETURN ADDRESS:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

If no fees are enclosed, the address should include the words "Box Responses - No Fee."

MARK: MAGICJACK

CORRESPONDENT'S REFERENCE/DOCKET NO: 03803.012

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:
trademarkdocketing@aporter.com

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and email address.

Serial Number 78/861724

EXAMINER'S AMENDMENT

ADVISORY – AMENDMENTS TO GOODS/SERVICES If the identification of goods and/or services has been amended below, any future amendments must be in accordance with 37 C.F.R. §2.71(a) and TMEP §1402.07(e).

AMENDMENT(S) AUTHORIZED: In accordance with the authorization granted to the Examining Attorney by TMEP 707.02, the application has been AMENDED as indicated below. No response is necessary unless there is an objection to the amendment.

Identification of Goods

The identification of goods is amended to read as follows:

Telecommunications equipment, namely, electrical connectors used to enable voice communications over Internet Protocol and IP networks.

/Shari L. Sheffield/
Shari Sheffield
Trademark Attorney
Law Office 107
571-272-9373

NOTICE OF NEW PROCEDURE FOR E-MAILED OFFICE ACTIONS: In late spring 2007, for any applicant who authorizes e-mail communication with the USPTO, the USPTO will no longer directly e-mail the actual Office action to the applicant. Instead, upon issuance of an Office action, the USPTO will e-mail the applicant a notice with a link/web address to access the Office action using Trademark Document Retrieval (TDR), which is located on the USPTO website at <http://portal.uspto.gov/external/portal/tow>. The Office action will not be attached to the e-mail notice. Upon receipt of the notice, the applicant can then view and print the actual Office action and any evidentiary attachments using the provided link/web address. TDR is available 24 hours a day, seven days a week, including holidays and weekends. This new process is intended to eliminate problems associated with e-mailed Office actions that contain numerous attachments.

Trademark Snap Shot Amendment & Mail Processing Stylesheet
 (Table presents the data on Amendment & Mail Processing Complete)

OVERVIEW

SERIAL NUMBER	78861724	FILING DATE	04/14/2006
REG NUMBER	0000000	REG DATE	N/A
REGISTER	PRINCIPAL	MARK TYPE	TRADEMARK
INTL REG #	N/A	INTL REG DATE	N/A
TM ATTORNEY	SHEFFIELD, SHARI L	L.O. ASSIGNED	107

PUB INFORMATION

RUN DATE	03/24/2007		
PUB DATE	N/A		
STATUS	661-RESPONSE AFTER NON-FINAL-ACTION-ENTERED		
STATUS DATE	03/23/2007		
LITERAL MARK ELEMENT	MAGICJACK		
DATE ABANDONED	N/A	DATE CANCELLED	N/A
SECTION 2F	NO	SECTION 2F IN PART	NO
SECTION 8	NO	SECTION 8 IN PART	NO
SECTION 15	NO	RE PUB 12C	N/A
RENEWAL FILED	NO	RENEWAL DATE	N/A
DATE AMEND REG	N/A		

FILING BASIS

FILED BASIS		CURRENT BASIS		AMENDED BASIS	
1 (a)	NO	1 (a)	NO	1 (a)	NO
1 (b)	YES	1 (b)	YES	1 (b)	NO
44D	NO	44D	NO	44D	NO
44E	NO	44E	NO	44E	NO
66A	NO	66A	NO		
NO BASIS	NO	NO BASIS	NO		

MARK DATA

STANDARD CHARACTER MARK	YES

LITERAL MARK ELEMENT	MAGICJACK
MARK DRAWING CODE	4-STANDARD CHARACTER MARK
COLOR DRAWING FLAG	NO

CURRENT OWNER INFORMATION

PARTY TYPE	10-ORIGINAL APPLICANT
NAME	YMax Communications Corp
ADDRESS	223 Sunset Avenue Palm Beach, FL 33480
ENTITY	03-CORPORATION
CITIZENSHIP	Delaware

GOODS AND SERVICES

INTERNATIONAL CLASS	009
DESCRIPTION TEXT	telecommunications equipment, namely, electrical connectors used to enable voice communications over Internet Protocol (IP) networks

GOODS AND SERVICES CLASSIFICATION

INTERNATIONAL CLASS	009	FIRST USE DATE	NONE	FIRST USE IN COMMERCE DATE	NONE	CLASS STATUS	6-ACTIVE
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MISCELLANEOUS INFORMATION/STATEMENTS

CHANGE IN REGISTRATION	NO
PSEUDO MARK	MAGIC JACK

PROSECUTION HISTORY

DATE	ENT CD	ENT TYPE	DESCRIPTION	ENT NUM
03/23/2007	TEME	I	TEAS/EMAIL CORRESPONDENCE ENTERED	008
03/22/2007	CRFA	I	CORRESPONDENCE RECEIVED IN LAW OFFICE	007
03/22/2007	TROA	I	TEAS RESPONSE TO OFFICE ACTION RECEIVED	006
09/25/2006	GNRT	F	NON-FINAL ACTION E-MAILED	005
09/25/2006	CNRT	R	NON-FINAL ACTION WRITTEN	004
09/21/2006	DOCK	D	ASSIGNED TO EXAMINER	003
04/21/2006	MPMK	O	NOTICE OF PSEUDO MARK MAILED	002

04/20/2006

NWAP

I

NEW APPLICATION ENTERED IN TRAM

001

CURRENT CORRESPONDENCE INFORMATION

ATTORNEY

Anna W. Manville

CORRESPONDENCE ADDRESS

ANNA W. MANVILLE
ARNOLD & PORTER LLP
555 12TH ST NW STE 100
WASHINGTON, DC 20004-1206

DOMESTIC REPRESENTATIVE

NONE

MAGICJACK

Response to Office Action

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78861724
LAW OFFICE ASSIGNED	LAW OFFICE 107
MARK SECTION (no change)	
GOODS AND/OR SERVICES SECTION (current)	
INTERNATIONAL CLASS	009
DESCRIPTION	
telecommunications equipment,namely,a plug-in device used to enable voice communications over Internet Protocol (IP) networks	
FILING BASIS	Section 1(b)
GOODS AND/OR SERVICES SECTION (proposed)	
INTERNATIONAL CLASS	009
DESCRIPTION	
telecommunications equipment, namely, electrical connectors used to enable voice communications over Internet Protocol (IP) networks	
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
RESPONSE SIGNATURE	/melissa cross/
SIGNATORY'S NAME	Melissa Cross
SIGNATORY'S POSITION	Attorney for Applicant
DATE SIGNED	03/22/2007
AUTHORIZED SIGNATORY	YES
FILING INFORMATION SECTION	
SUBMIT DATE	Thu Mar 22 15:27:05 EDT 2007
	USPTO/ROA-66.28.47.100-20

TEAS STAMP

070322152705867810-788617
24-370c341f22f16ce696e0ec
2d21f84ecd-N/A-N/A-200703
22095342777413

PTO Form 1957 (Rev 9/2005)
OMB No. 0651-0050 (Exp. 04/2009)

Response to Office Action To the Commissioner for Trademarks:

Application serial no. **78861724** has been amended as follows:

Classification and Listing of Goods/Services

Applicant hereby amends the following class of goods/services in the application as follows:

Current: Class 009 for telecommunications equipment, namely, a plug-in device used to enable voice communications over Internet Protocol (IP) networks

Original Filing Basis: 1(b).

Proposed: Class 009 for telecommunications equipment, namely, electrical connectors used to enable voice communications over Internet Protocol (IP) networks

Filing Basis: 1(b).

Response Signature

Signature: /melissa cross/ Date: 03/22/2007

Signatory's Name: Melissa Cross

Signatory's Position: Attorney for Applicant

The signatory has confirmed that he/she is either (1) an attorney who is a member in good standing of the bar of the highest court of a U.S. state; or (2) a Canadian attorney/agent who has been granted reciprocal recognition under 37 C.F.R. §10.14(c) by the USPTO's Office of Enrollment and Discipline. He/she further confirms that (1) the applicant has not previously been represented in this matter by an authorized attorney; and (2) he/she is the applicant's attorney or an associate of that attorney.

Serial Number: 78861724

Internet Transmission Date: Thu Mar 22 15:27:05 EDT 2007

TEAS Stamp: USPTO/ROA-66.28.47.100-20070322152705867

810-78861724-370c341f22f16ce696e0ec2d21f
84ecd-N/A-N/A-20070322095342777413

To: YMax Communications Corp (trademarkdocketing@aporter.com)
Subject: TRADEMARK APPLICATION NO. 78861724 - MAGICJACK - 03803.012
Sent: 9/25/06 8:57:30 PM
Sent As: ECOM107@USPTO.GOV
Attachments:

UNITED STATES PATENT AND TRADEMARK OFFICE

SERIAL NO: 78/861724

APPLICANT: YMax Communications Corp

78861724

CORRESPONDENT ADDRESS:

ANNA W. MANVILLE
ARNOLD & PORTER LLP
555 12TH ST NW STE 100
WASHINGTON, DC 20004-1206

RETURN ADDRESS:

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

MARK: MAGICJACK

CORRESPONDENT'S REFERENCE/DOCKET NO: 03803.012

Please provide in all correspondence:

CORRESPONDENT EMAIL ADDRESS:

trademarkdocketing@aporter.com

1. Filing date, serial number, mark and applicant's name.
2. Date of this Office Action.
3. Examining Attorney's name and Law Office number.
4. Your telephone number and e-mail address.

OFFICE ACTION

RESPONSE TIME LIMIT: TO AVOID ABANDONMENT, THE OFFICE MUST RECEIVE A PROPER RESPONSE TO THIS OFFICE ACTION WITHIN 6 MONTHS OF THE MAILING OR E-MAILING DATE.

MAILING/E-MAILING DATE INFORMATION: If the mailing or e-mailing date of this Office action does not appear above, this information can be obtained by visiting the USPTO website at <http://tarr.uspto.gov/>, inserting the application serial number, and viewing the prosecution history for the mailing date of the most recently issued Office communication.

Serial Number 78/861724

The assigned examining attorney has reviewed the referenced application and determined the following.

NO CONFLICTING MARK FOUND

The examining attorney has searched the Office records and has found no similar registered or pending mark which would bar registration under Trademark Act Section 2(d), 15 U.S.C. §1052(d). TMEP §704.02.

However, the following must be addressed before the mark can be published for opposition in the Official Gazette.

INFORMALITY

Identification of Goods

The wording "plug in device" in the identification of goods is unacceptable as indefinite. The applicant may amend this wording to "electrical connectors," if accurate. TMEP section 804.

Please note that, while an application may be amended to clarify or limit the identification, additions to the identification are not permitted. 37 C.F.R. §2.71(a); TMEP §1402.06. Therefore, the applicant may not amend to include any goods or services that are not within the scope of the goods and services recited in the present identification.

PLEASE NOTE: All of the issues raised can be resolved by telephone. The applicant may telephone the examining attorney, instead of submitting a written response, to expedite the application.

If further information or assistance is needed in responding to this Office Action, please feel free to contact the trademark attorney listed below.

/Shari L. Sheffield/

Shari Sheffield
Trademark Attorney
Law Office 107
571-272-9373

HOW TO RESPOND TO THIS OFFICE ACTION:

- **ONLINE RESPONSE:** You may respond using the Office's Trademark Electronic Application System (TEAS) Response to Office action form available on our website at <http://www.uspto.gov/teas/index.html>. If the Office action issued via e-mail, you must wait 72 hours after receipt of the Office action to respond via TEAS. **NOTE: Do not respond by e-mail. THE USPTO WILL NOT ACCEPT AN E-MAILED RESPONSE.**

- **REGULAR MAIL RESPONSE:** To respond by regular mail, your response should be sent to the mailing return address above, and include the serial number, law office number, and examining attorney's name. **NOTE: The filing date of the response will be the *date of receipt in the Office*, not the postmarked date.** To ensure your response is timely, use a certificate of mailing. 37 C.F.R. §2.197.

STATUS OF APPLICATION: To check the status of your application, visit the Office's Trademark Applications and Registrations Retrieval (TARR) system at <http://tarr.uspto.gov>.

VIEW APPLICATION DOCUMENTS ONLINE: Documents in the electronic file for pending applications can be viewed and downloaded online at <http://portal.uspto.gov/external/portal/tow>.

GENERAL TRADEMARK INFORMATION: For general information about trademarks, please visit the Office's website at <http://www.uspto.gov/main/trademarks.htm>

FOR INQUIRIES OR QUESTIONS ABOUT THIS OFFICE ACTION, PLEASE CONTACT THE ASSIGNED EXAMINING ATTORNEY SPECIFIED ABOVE.

Trademark/Service Mark Application, Principal Register

Serial Number: 78861724

Filing Date: 04/14/2006

The table below presents the data as entered.

Input Field	Entered
MARK SECTION	
MARK	MAGICJACK
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	MAGICJACK
MARK STATEMENT	The mark consists of standard characters, without claim to any particular font, style, size, or color.
OWNER SECTION	
NAME	YMax Communications Corp
STREET	223 Sunset Avenue
CITY	Palm Beach
STATE	Florida
ZIP/POSTAL CODE	33480
COUNTRY	United States
EMAIL	trademarkdocketing@aporter.com
AUTHORIZED EMAIL COMMUNICATION	Yes
LEGAL ENTITY SECTION	
TYPE	CORPORATION
STATE/COUNTRY OF INCORPORATION	Delaware
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	009

DESCRIPTION	telecommunications equipment,namely,a plug-in device used to enable voice communications over Internet Protocol (IP) networks
FILING BASIS	Section 1(b)
SIGNATURE SECTION	
SIGNATURE	/peter russo/
SIGNATORY NAME	Peter Russo
SIGNATORY DATE	04/14/2006
SIGNATORY POSITION	Director Of Finance
PAYMENT SECTION	
NUMBER OF CLASSES	1
NUMBER OF CLASSES PAID	1
SUBTOTAL AMOUNT	325
TOTAL AMOUNT	325
PAYMENT METHOD	DA
ATTORNEY	
NAME	Anna W. Manville
FIRM NAME	ARNOLD & PORTER LLP
INTERNAL ADDRESS	IP DOCKETING
STREET	555 Twelfth Street NW
CITY	Washington
STATE	District of Columbia
ZIP/POSTAL CODE	20004
COUNTRY	United States
PHONE	202-942-5163
FAX	202-942-5999
EMAIL	trademarkdocketing@aporter.com
AUTHORIZED EMAIL COMMUNICATION	Yes
ATTORNEY DOCKET NUMBER	03803.012

OTHER APPOINTED ATTORNEY(S)	Roberta Horton, Melissa Cross, John Sheesley, Ellen Woodward
CORRESPONDENCE SECTION	
NAME	Anna W. Manville
FIRM NAME	ARNOLD & PORTER LLP
INTERNAL ADDRESS	IP DOCKETING
STREET	555 Twelfth Street NW
CITY	Washington
STATE	District of Columbia
ZIP/POSTAL CODE	20004
COUNTRY	United States
PHONE	202-942-5163
FAX	202-942-5999
EMAIL	trademarkdocketing@aporter.com
AUTHORIZED EMAIL COMMUNICATION	Yes
FILING INFORMATION	
SUBMIT DATE	Fri Apr 14 12:36:41 EDT 2006
TEAS STAMP	USPTO/BAS-662847100-20060 414123641174529-78861724- 20054d55c329cd843785f4120 fe3d6547-DA-1168-20060414 114427998627

Trademark/Service Mark Application, Principal Register

Serial Number: 78861724

Filing Date: 04/14/2006

To the Commissioner for Trademarks:

MARK: (Standard Characters, see [mark](#))

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

The literal element of the mark consists of MAGICJACK.

The applicant, YMax Communications Corp, a corporation of Delaware, residing at 223 Sunset Avenue, Palm Beach, Florida, United States, 33480, 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.

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)).

International Class 009: telecommunications equipment,namely,a plug-in device used to enable voice communications over Internet Protocol (IP) networks

The applicant hereby appoints Anna W. Manville and Roberta Horton, Melissa Cross, John Sheesley, Ellen Woodward of ARNOLD & PORTER LLP, IP DOCKETING, 555 Twelfth Street NW, Washington, District of Columbia, United States, 20004 to submit this application on behalf of the applicant. The attorney docket/reference number is 03803.012.

The USPTO is authorized to communicate with the applicant or its representative at the following email address: trademarkdocketing@aporter.com.

A fee payment in the amount of \$325 will be submitted with the application, representing payment for 1 class(es).

Declaration

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements, and the like, may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the application is being filed under 15 U.S.C. Section 1051(b), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /peter russo/ Date: 04/14/2006

Signatory's Name: Peter Russo

Signatory's Position: Director Of Finance

Mailing Address:

Anna W. Manville

IP DOCKETING

555 Twelfth Street NW

Washington, District of Columbia 20004

RAM Sale Number: 1168

RAM Accounting Date: 04/14/2006

Serial Number: 78861724

Internet Transmission Date: Fri Apr 14 12:36:41 EDT 2006

TEAS Stamp: USPTO/BAS-662847100-20060414123641174529

-78861724-20054d55c329cd843785f4120fe3d6

547-DA-1168-20060414114427998627

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