APPLE INC. (CALIFORNIA CORPORATION)
1 INFINITE LOOP
CUPERTINO, CA 95014

FOR: HANDHELD MOBILE DIGITAL ELECTRONIC DEVICES COMPRISED OF A MOBILE PHONE, DIGITAL AUDIO AND VIDEO PLAYER, HANDHELD COMPUTER, PERSONAL DIGITAL ASSISTANT, ELECTRONIC PERSONAL ORGANIZER, POCKET COMPUTER FOR NOTE-TAKING, ELECTRONIC CALENDAR, CALCULATOR, AND CAMERA, AND CAPABLE OF PROVIDING ACCESS TO THE INTERNET AND SENDING AND RECEIVING ELECTRONIC MAIL, DIGITAL AUDIO, VIDEO, TEXT, IMAGES, GRAPHICS AND MULTIMEDIA FILES, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 6-29-2007; IN COMMERCE 6-29-2007.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SMS", APART FROM THE MARK AS SHOWN.

THE COLOR(S) BLACK, BLUE, BROWN, BROWN-GRAY, GRAY-GREEN, GREEN, ORANGE, RED, SILVER, TAN, WHITE AND YELLOW IS/ARE CLAIMED AS A FEATURE OF THE MARK.

THE MARK CONSISTS OF THE CONFIGURATION OF A RECTANGULAR HANDHELD MOBILE DIGITAL ELECTRONIC DEVICE WITH ROUNDED SILVER EDGES, A BLACK FACE, AND AN ARRAY OF 16 SQUARE ICONS WITH ROUNDED EDGES. THE TOP 12 ICONS APPEAR ON A BLACK BACKGROUND, AND THE BOTTOM 4 APPEAR ON A SILVER BACKGROUND. THE FIRST ICON Depicts the letters "SMS" in green inside a white speech bubble on a green background; the second icon is white with a thin red stripe at the top; the third icon depicts a sunflower with yellow petals, a brown center, and a green stem in front of a blue sky; the fourth icon depicts a camera lens with a black barrel and blue glass on a silver background; the fifth icon depicts a tan television console with brown knobs and a gray-green screen; the sixth icon depicts a white graph line on a blue background; the seventh icon depicts a map with yellow and orange roads, a pin with a red head, and a red-and-blue road sign with the numeral "280" in white; the eighth icon depicts an orange sun on a blue background, with the temperature in white; the ninth icon depicts a white clock with black and red hands and numerals on a black background; the tenth icon depicts three brown-gray circles and one orange circle on a black background with a white border, with the mathematical symbols for addition, subtraction, multiplication, and the equal sign displayed in white on the circles; the eleventh icon depicts a portion of a yellow notepad with blue and red ruling, with brown binding at the top; the twelfth icon depicts three silver gears over a thatched black-and-silver background; the thirteenth icon depicts a white telephone receiver against a green background; the fourteenth icon depicts a white envelope over a blue sky.
WITH WHITE CLOUDS, THE FIFTEENTH ICON DEPICTS A WHITE COMPASS WITH A WHITE-AND-RED NEEDLE OVER A BLUE MAP; THE SIXTEENTH ICON DEPICTS THE DISTINCTIVE CONFIGURATION OF APPLICANT’S MEDIA PLAYER DEVICE IN WHITE OVER AN ORANGE BACKGROUND.

SEC. 2(f).

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SKYE YOUNG, EXAMINING ATTORNEY