



BULKY DOCUMENTS

(Exceeds 100 pages)

Filed: 11/23/2010

Title: NOTICE OF RELIANCE.

Part 1 of 2

91176027

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In re Application No. 78/215,335
Filed: February 14, 2003
Published: November 7, 2006 in the Official Gazette
For: **VIDEO POD**

TTAB

Apple, Inc.,)	Opposition No.: 91176027
)	
Opposer,)	<u>NOTICE OF RELIANCE</u>
)	
vs.)	
)	
Sector Labs, LLC,)	
)	
Applicant.)	

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Applicant Sector Labs, LLC submits of record in connection with this opposition proceeding copies of the documents set forth below. Pursuant to a stipulation between Applicant's and Opposer's counsel, internet evidence, including websites, may be introduced into evidence through a Notice of Reliance.¹



11-23-2010

U.S. Patent & TMO/c/TM Mail Report Form 472

¹ See *Safer Inc. v. OMS Investments Inc.*, 94 USPQ2d 1031, 1039 (TTAB 2010)

EXHIBIT	PUBLICATION DATE	PUBLICATION NAME – ARTICLE TITLE	RELEVANCE
SL1	3/23/2009 (accessed on 11/16/2010)	Wired <i>Apple Aggressively Pursues „Pod“ Trademarks</i> By: Brian X. Chen http://www.wired.com/gadgetlab/2009/03/apple-calls-leg/#ixzz10mKNB5Dq	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL2	9/27/2010 (accessed on 11/16/2010)	ukbusinessforums.co.uk <i>Apple and its name claims</i> By: Robert Wheeler (username) http://www.ukbusinessforums.co.uk/forums/showthread.php?p=1378117	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL3	9/27/2010 (accessed on 11/14/2010)	Clement & Co <i>Apple and Startup Heading to Court Because of „Pod“</i> By: Francesca Staana http://clementco.com/blog/index.php/2010/09/apple-and-startup-heading-to-court-because-of-pod/	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL4	9/26/2010 (accessed on 11/14/2010)	ZDNet UK <i>Apple begins trademark trial over 'pod'</i> By: Karen Friar http://www.zdnet.co.uk/news/business-of-it/2010/09/26/apple-begins-trademark-trial-over-pod-40090265/	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL5	9/23/2010 (accessed on 11/14/2010)	ipodnn.com <i>Apple brings projector maker to trial over 'pod' name</i> By: MacNN Staff http://www.ipodnn.com/articles/10/09/23/battle.begins.over.generic.term/TelecomTV	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL6	9/27/2010 (accessed on 11/14/2010)	<i>Apple claims rights to the word "Pod". But have the dolphins been told?</i> By: Martin Warwick http://www.telecomtv.com/comspace_newsDetail.aspx?n=46724&id=e9381817-0593-417a-8639-c4c53e2a2a10&page=2	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks

SL7	9/27/2010 (accessed on 11/14/2010)	Oneindia.in <i>Apple claims word 'Pod' is exclusive, files case</i> By: unknown http://news.oneindia.in/2010/09/27/apple-says-word-pod-is-exclusive-files-case.html	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL8	9/28/2010 (accessed on 11/14/2010)	Minyanville <i>Apple Demands Exclusive Rights to 'Pod'</i> By: Mike Schuster http://www.minyanville.com/dailyfeed/apple-demands-exclusive-rights-to/	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL9	9/26/2010 (accessed on 11/16/2010)	topnews.co.uk <i>Apple drags tech start-up Sector Lab to court over the word "Pod"</i> By: Seher Dhillon http://topnews.co.uk/213730-apple-drags-tech-start-sector-lab-court-over-word-pod	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL10	9/25/2010 (accessed on 11/16/2010)	maxconsole.net <i>Apple files 873-page court paper claiming ownership of the word "pod"</i> By: billysastard (username) http://www.maxconsole.net/showthread.php?156274-Apple-files-873-page-court-paper-claiming-ownership-of-the-word-quot-pod-quot&s=55bd2f39efal c6c0eee03c9ad8c14416&p=1264788#post1264788	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL11	9/25/2010 (accessed on 11/14/2010)	t3.com <i>Apple files 873-page legal claim over the word 'pod'</i> By: Devina Devicha http://www.t3.com/news/apple-files-873-page-legal-claim-over-the-word-pod?=49383	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL12	9/25/2010 (accessed on 11/14/2010)	itechengine.com <i>Apple files 873-page legal claim over the word „pod"</i> By: Joe Minihane http://itechengine.com/technology-junction/apple-files-873-page-legal-claim-over-the-word-pod.html	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks

SL13	9/24/2010 (accessed on 11/14/2010)	Music Week <i>Apple goes to court over "Pod" trademark</i> By: Eamonn Forde http://www.musicweek.com/story.asp?sectioncode=1&storycode=1042650&c=1	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL14	9/24/2010 (accessed on 11/16/2010)	it-code-news.blogspot.com and vr-zone.com <i>Apple Goes To Trial With Startup Company Over Usage Of 'Pod' Name</i> By: The OS Freak (username) http://vr-zone.com/articles/apple-goes-to-trial-with-startup-company-over-usage-of-pod-name/9920.html	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL15	9/24/2010 (accessed on 11/16/2010)	forums.vr-zone.com <i>Apple Goes To Trial With Startup Company Over Usage Of 'Pod' Name</i> By: VR News (username) http://forums.vr-zone.com/news-around-the-web/860835-apple-goes-trial-startup-company-over-usage-pod-name.html	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL16	9/24/2010 (accessed on 11/14/2010)	Reddit <i>Apple has embarked on a legal battle over the right to use the word</i> By: makanguru (username) https://mail.google.com/mail/?ui=2&view=bsp&ver=ohhl4rw8mbn4	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL17	9/27/2010 (accessed on 11/14/2010)	The Apple Bites <i>Apple has gone on trial to stop the word „Pod“</i> By: Unknown http://theapplebites.com/2010/09/27/apple-has-gone-on-trial-to-stop-the-word-pod/	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL18	9/24/2010 (accessed on 11/14/2010)	The Register UK <i>Apple in 873-page legal claim to word 'Pod' For Jobs it's only</i> By: Dan Goodin (in San Francisco) http://www.theregister.co.uk/2010/09/24/apple_pod_row/	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL19	9/27/2010 (accessed on 11/14/2010)	Unthinkable? <i>Apple in dispute over word 'pod', tech companies and pea farmers beware</i> By: Greybeard (username) http://www.unthinkable.biz/home/article/1965/apple-in-dispute-over-word-%5Cpod%5C-tech-companies-and-pea-farmers-beware	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks

SL20	9/25/2010 (accessed on 11/16/2010)	neowin.net <i>Apple in legal battle over the use of "pod"</i> By: Brody McKee http://www.neowin.net/news/apple-in-legal-battle-over-the-use-of-pod?utm_source=Neowin&utm_medium=twitter	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL21	9/26/2010 (accessed on 11/16/2010)	connectedinternet.co.uk <i>Apple in legal fight over "pod" use</i> By: Mike Halsey http://www.connectedinternet.co.uk/2010/09/26/apple-legal-fight-pod/	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL22	9/27/2010	Digital Arts <i>Apple in legal fight over the word pod</i> http://www.digitalartsonline.co.uk/news/?NewsID=3241078	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL23	9/28/2010 (accessed on 11/16/2010)	rowlands.maars.net <i>Apple Launches Legal Claim over the Word "Pod"</i> By: Unknown http://rowlands.maars.net/?p=4466	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL24	9/25/2010 (accessed on 11/14/2010)	Army Rumour Service <i>Apple now want exclusive use of the word 'Pod'</i> By: maguire (username) http://www.arrse.co.uk/arrse-hole/149526-apple-now-want-exclusive-use-word-pod.html	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL25	accessed on 11/16/2010	trademarkattorneys.com <i>Apple Run by Pod People</i> By: Unknown http://www.trademarkattorneys.com/apple-run-by-pod-people	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL26	9/28/2010 (accessed on 11/16/2010)	news.carrentals.co.uk <i>Apple sues over rights to pod</i> By: Peter Headley http://news.carrentals.co.uk/apple-sues-over-rights-to-pod-34215720.html	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks

SL27	9/26/2010 (accessed on 11/16/2010)	tbreak.com <i>Apple sues Sector Labs on the use of the word „pod“: The Cupertino-based company thinks the use of „pod“ on a projector from a different company will confuse its buyers.</i> By: Mufaddal Fakhruddin http://tbreak.com/tech/2010/09/apple-sues-sector-labs-on-the-use-of-the-word-pod/	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL28	9/24/2010 (accessed on 11/16/2010)	tuaw.com <i>Apple sues startup over "pod" name</i> By: Dave Caolo http://www.tuaw.com/2010/09/24/apple-sues-startup-over-pod-name/	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL29	9/28/2010 (accessed on 11/16/2010)	discountvouchers.co.uk <i>Apple takes on start-up over use of „pod“</i> By: Natasha Redman http://www.discountvouchers.co.uk/news/42553535.html	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL30	9/27/2010 (accessed on 11/14/2010)	gadgetynews.com <i>Apple Taking the „P“ With Pod Court Case</i> By: Jay Garrett http://gadgetynews.com/apple-taking-the-p-with-pod-court-case/?utm_source=rss&utm_medium=rss&utm_campaign=apple-taking-the-p-with-pod-court-case	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL31	9/25/2010 (accessed on 11/16/2010)	thing.co.uk <i>Apple thinks it owns the word 'pod'</i> By: Paul Hales http://www.thing.co.uk/2010/9/25/apple-thinks-it-owns-word-pod/	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL32	9/24/2010 (accessed on 11/16/2010)	pcr-online.biz <i>Apple to go to trial over 'pod' brand</i> By: Nicky Trup http://www.pcr-online.biz/news/34683/Apple-to-go-to-trial-over-pod-brand	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks

SL33	9/27/2010 (accessed on 11/16/2010)	<p>thefirstpost.co.uk <i>Apple tries to trademark „pod“ - look out farmers! Tech giant tells court it should have exclusive use of the word</i> By: Abhijeet Ahluwalia http://www.thefirstpost.co.uk/69256.news-comment,technology,apple-trademark-pod-video-pod-sector-labs news.techworld.com <i>Apple wants exclusive rights over word 'pod'</i> By: Nick Spence http://news.techworld.com/sme/3241162/apple-wants-exclusive-rights-over-word-pod/?olo=rss</p>	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL34	9/27/2010 (accessed on 11/16/2010)	<p>iproportal.com <i>Apple Wants Exclusivity For Word "Pod"</i> By: Staff Writer http://www.itproportal.com/2010/9/25/apple-wants-exclusivity-word-pod/</p>	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL35	9/25/2010 (accessed on 11/16/2010)	<p>tgdaily.com <i>Apple wants the word 'pod' all to itself</i> By: Emma Woollacott http://www.tgdaily.com/business-and-law-features/51726-apple-wants-the-word-pod-all-to-itself</p>	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL36	9/27/2010 (accessed on 11/16/2010)	<p>techie-buzz.com <i>Apple Wants to Claim the Word "pod", up Next Should be "pad" and "phone"</i> By: Chinmoy Kanjilal http://techie-buzz.com/tech-news/apple-claim-pod-word.html</p>	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL37	9/26/2010 (accessed on 11/16/2010)	<p>boochmarketing.com <i>Apple Wants to Claim the Word "pod", up Next Should be "pad" and "phone"</i> By: Jeff "Booch" Penchoff http://boochmarketing.com/2010/09/apple-wants-to-claim-the-word-pod%E2%80%9D-up-next-should-be-pad%E2%80%9D-and-phone%E2%80%9D/</p>	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL38	9/28/2010 (accessed on 11/16/2010)	<p>boochmarketing.com <i>Apple Wants to Claim the Word "pod", up Next Should be "pad" and "phone"</i> By: Jeff "Booch" Penchoff http://boochmarketing.com/2010/09/apple-wants-to-claim-the-word-pod%E2%80%9D-up-next-should-be-pad%E2%80%9D-and-phone%E2%80%9D/</p>	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks

SL39	9/28/2010 (accessed on 11/16/2010)	techday.co.nz <i>Apple wants to own the P word</i> By: Gavin Ogden http://www.techday.co.nz/macguide/news/apple-wants-to-own-the-p-word/18081/4/	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL40	9/28/2010 (accessed on 11/16/2010)	tdiheadsets.com <i>Apple-pod</i> By: Unknown http://www.tdiheadsets.com/news/?p=176	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL41	9/23/2010 (accessed on 11/17/2010)	Macsimum News <i>Apple, Sector Labs battle over „Pod“ trademark</i> Dennis Sellers http://www.macsimumnews.com/index.php/archive/apple_sector_labs_battle_over_pod_trademark/	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL42	9/26/2010 (accessed on 11/14/2010)	Ethiopian Review <i>Apple, Startup Go To Trial Over 'Pod' Trademark</i> By: suraj.sun http://www.ethiopianreview.com/scitech/201001/?p=61407	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL43	9/26/2010 (accessed on 11/16/2010)	blogowogo.com <i>Apple, Startup Go To Trial Over 'Pod' Trademark</i> By: Unknown http://www.blogowogo.com/blog_article.php?aid=3014105&t=5	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL44	9/26/2010 (accessed on 11/14/2010)	JetLib News <i>Apple, Startup Go To Trial Over „Pod“ Trademark</i> By: admin (username) http://jetlib.com/news/tag/video-pod/	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL45	9/26/2010 (accessed on 11/16/2010)	Slashdot <i>Apple, Startup Go To Trial Over „Pod“ Trademark</i> By: Timothy (username) http://apple.slashdot.org/story/10/09/26/2253228/Apple-Startup-Go-To-Trial-Over-Pod-Trademark?from=rss	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks

SL46	9/23/2010 (accessed on 11/16/2010)	arstechnica.com <i>Apple, startup go to trial over "Pod" trademark</i> By: JournalBot (username) http://arstechnica.com/civis/viewtopic.php?f=2&t=1123190&start=0	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL47	9/23/2010 (accessed on 11/14/2010)	Wired <i>Apple, Startup Go to Trial Over Pod Trademark</i> By: Brian X. Chen http://www.wired.com/gadgetlab/2010/09/apple-goes-to-trial-with-startup-over-pod-trademark/	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL48	9/24/2010 (accessed on 11/16/2010)	webproworld.com <i>Apple's claim on the word 'pod'</i> By: simonm (username) http://www.webproworld.com/webmaster-forum/threads/103874-Apple-s-claim-on-the-word-pod	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL49	9/27/2010 (accessed on 11/14/2010)	CMU Unlimited <i>Apple's fight to keep 'pod' for itself to go to court</i> By: cmumusicnews (username) http://newsblog.thecmuwebsite.com/?tag=/sector+labs	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL50	9/24/2010 (accessed on 11/16/2010)	Techdirt.com <i>Battle Of The Pod People: Apple & Sector Labs Heading To Court Over Pod Trademark</i> By: Mike Masnick http://www.techdirt.com/articles/20100924/03333011147/battle-of-the-pod-people-apple-sector-labs-heading-to-court-over-pod-trademark.shtml	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL51	9/27/2010 (accessed on 11/16/2010)	blog.glocaltalk.com <i>Don't Call it ,POD " if i"s not Apple</i> Mary Watt http://blog.glocaltalk.com/glocaltalk-news/dont-call-it-pod-if-its-not-apple/	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks

SL52	9/24/2010 (accessed on 11/16/2010)	Wired.com <i>Gadget Lab Podcast: Facebook Phone, Pod Wars and Athletic Robots</i> By: Brian X. Chen http://www.wired.com/gadgetlab/2010/09/gadget-lab-podcast-facebook-phone-pod-wars-and-athletic-robots/ " exploremusic.com <i>Here "s The Deal With Apple; More Apple; Vinyl Sales; Recording Shows: And Finally Some New Soundgarden</i> By: Alan Cross http://exploremusic.com/show/heres-the-deal-with-apple-more-apple-vinyl-sales-recording-shows-and-finally-some-new-soundgarden/ mancouch.com <i>I Like Apple Products, I Hate Apple</i> By: unknown http://www.mancouch.com/733474321/i-like-apple-products-i-hate-apple/ language-mystery.blogspot.com <i>Keep your hands off my word!</i> By: Victor Dewsbury http://language-mystery.blogspot.com/2010/10/keep-your-hands-off-my-word.html	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL53	9/27/2010 (accessed on 11/16/2010)	Wired.com <i>Gadget Lab Podcast: Facebook Phone, Pod Wars and Athletic Robots</i> By: Brian X. Chen http://www.wired.com/gadgetlab/2010/09/gadget-lab-podcast-facebook-phone-pod-wars-and-athletic-robots/ " exploremusic.com <i>Here "s The Deal With Apple; More Apple; Vinyl Sales; Recording Shows: And Finally Some New Soundgarden</i> By: Alan Cross http://exploremusic.com/show/heres-the-deal-with-apple-more-apple-vinyl-sales-recording-shows-and-finally-some-new-soundgarden/ mancouch.com <i>I Like Apple Products, I Hate Apple</i> By: unknown http://www.mancouch.com/733474321/i-like-apple-products-i-hate-apple/ language-mystery.blogspot.com <i>Keep your hands off my word!</i> By: Victor Dewsbury http://language-mystery.blogspot.com/2010/10/keep-your-hands-off-my-word.html	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL54	9/29/2010 (accessed on 11/16/2010)	Wired.com <i>Gadget Lab Podcast: Facebook Phone, Pod Wars and Athletic Robots</i> By: Brian X. Chen http://www.wired.com/gadgetlab/2010/09/gadget-lab-podcast-facebook-phone-pod-wars-and-athletic-robots/ " exploremusic.com <i>Here "s The Deal With Apple; More Apple; Vinyl Sales; Recording Shows: And Finally Some New Soundgarden</i> By: Alan Cross http://exploremusic.com/show/heres-the-deal-with-apple-more-apple-vinyl-sales-recording-shows-and-finally-some-new-soundgarden/ mancouch.com <i>I Like Apple Products, I Hate Apple</i> By: unknown http://www.mancouch.com/733474321/i-like-apple-products-i-hate-apple/ language-mystery.blogspot.com <i>Keep your hands off my word!</i> By: Victor Dewsbury http://language-mystery.blogspot.com/2010/10/keep-your-hands-off-my-word.html	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL55	10/13/2010 (accessed on 11/16/2010)	Wired.com <i>Gadget Lab Podcast: Facebook Phone, Pod Wars and Athletic Robots</i> By: Brian X. Chen http://www.wired.com/gadgetlab/2010/09/gadget-lab-podcast-facebook-phone-pod-wars-and-athletic-robots/ " exploremusic.com <i>Here "s The Deal With Apple; More Apple; Vinyl Sales; Recording Shows: And Finally Some New Soundgarden</i> By: Alan Cross http://exploremusic.com/show/heres-the-deal-with-apple-more-apple-vinyl-sales-recording-shows-and-finally-some-new-soundgarden/ mancouch.com <i>I Like Apple Products, I Hate Apple</i> By: unknown http://www.mancouch.com/733474321/i-like-apple-products-i-hate-apple/ language-mystery.blogspot.com <i>Keep your hands off my word!</i> By: Victor Dewsbury http://language-mystery.blogspot.com/2010/10/keep-your-hands-off-my-word.html	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL56	9/24/2010 (accessed on 11/16/2010)	iNews880.com <i>Legal battle over who can use the word "pod"</i> iNews880@gmail.com http://www.inews880.com/Channels/Reg/CyberCorner/Story.aspx?ID=1284052	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL57	9/24/2010 (accessed on 11/14/2010)	BBC <i>Legal row over who can use 'pod'</i> By: unknown http://www.bbc.co.uk/news/technology-11404886 directory9.net <i>Legal row over who can use ,pod"</i> By: Admin http://www.directory9.net/legal-row-over-who-can-use-pod/	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL58	9/25/2010 (accessed on 11/16/2010)	BBC <i>Legal row over who can use 'pod'</i> By: unknown http://www.bbc.co.uk/news/technology-11404886 directory9.net <i>Legal row over who can use ,pod"</i> By: Admin http://www.directory9.net/legal-row-over-who-can-use-pod/	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks

SL59	9/25/2010 (accessed on 11/16/2010)	p2pnet.net Legal row over who can use „pod“ BBC By: unknown http://www.p2pnet.net/story/44187	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL60	9/26/2010 (accessed on 11/16/2010)	forum.tipb.com <i>Let the Trial Begin *ding*</i> Slyfi (username) http://forum.tipb.com/apple-news-rumors/198603-let-trial-begin-ding.html	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL61	10/6/2010 (accessed on 11/16/2010)	Minyanville <i>Name Games: Apple vs. Apple</i> By: Mike Schuster http://m.minyanville.com/mv-news/2010/10/06/name-games-apple-vs-apple/	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL62	9/24/2010 (accessed on 11/14/2010)	everythingCafe <i>Patent Trolling: Apple Targets Company Over “Pod”</i> By: Tim Barribeau http://www.everythingcafe.com/patent-trolling-apple-targets-company-over-pod/2010/09/24/	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL63	9/26/2010 (accessed on 11/16/2010)	pocket-lint.com <i>Pod trademark battle heats up: Legal battle between start-up and Apple comes to trial</i> By: Stuart Miles http://www.pocket-lint.com/news/35862/apple-ipod-trademark-case-starts	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL64	9/28/2010	helifreak.com <i>Spartan Configurator [sic] Card</i> By: Angelos (username) http://www.helifreak.com/showthread.php?p=2364700	Distinctiveness of word “POD” / non- exclusivity of market

SL65	9/29/2010 (accessed on 11/16/2010)	bonanzafuping.blogspot.com <i>The rights over "POD" trademark! Apple is in a legal battle over the right to use the word 'pod.'</i> By: unknown http://bonanzafuping.blogspot.com/2010/09/rights-over-pod-trademark.html	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL66	10/11/2010 (accessed on 11/16/2010)	theenginegroup.com <i>WHAT'S IN A NAME? ...</i> By: Neil Morris http://www.theenginegroup.com/news-and-blog/?p=2163&cat=-3	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL67	9/24/2010 (accessed on 11/14/2010)	Broadband Genie <i>Whose name is that? Apple and Google could sue over product names</i> By: Katie Theisinger http://www.broadbandgenie.co.uk/news/20100924-whose-name-apple-youtube-could-sue-over-product-names	Lack of Confusion/ Level of Consumer Sophistication/ Dissimilarity of Marks
SL68	4/28/2004 (accessed on 11/12/2010)	CNET News <i>On 1st birthday, iTunes unwraps new features</i> By Dawn Kawamoto and Ina Fried http://news.cnet.com/On-1st-birthday%2C-iTunes-unwraps-new-features/2100-1027_3-5201598.html?tag=mncol;txt	Natural Zone of Expansion for iPod
SL69	5/10/1988	Reg. No. 1,487,414 for EQ POD	Lack of Dilution
SL70	8/18/1992	Reg. No. 1,709,175 for PEAPOD	Lack of Dilution
SL71	4/18/1995	Reg. No. 1,890,427 for BOD POD	Lack of Dilution, Lack of Descriptiveness
SL72	(accessed on 11/18/2010)	LIFE MEASUREMENT INC. BOD POD website http://www.bodpod.com/products	Lack of Dilution, Lack of Descriptiveness
SL73	5/28/1996	Reg. No. 1,975,825 for TREE-POD	Lack of Dilution
SL74	1/13/1998	Reg. No. 2,129,507 for QUADRA-POD	Lack of Dilution
SL75	6/20/2000	Reg. No. 2,360,539 for POWERPOD	Lack of Dilution, Lack of Descriptiveness
SL76	(accessed on 11/18/2010)	PowerPod and Sundance Solar Designs Website http://www.powerpod.com/index.html	Lack of Dilution, Lack of Descriptiveness
SL77	5/15/2001	Reg. No. 2,450,388 for PEAPOD	Lack of Dilution

SL78	4/4/2000	Reg. No. 4/4/2000 for VIBRAPOD	Lack of Dilution
SL79	7/19/2005	Reg. No. 2,969,007 for POD	Lack of Dilution, Lack of Descriptiveness
SL80	7/1/2003	Reg. No. 2,732,525 for PEA POD	Lack of Dilution
SL81	3/19/2002	Reg. No. 2,549,043 for POD	Lack of Dilution
SL82	1/7/2003	Reg. No. 2,670,901 for THE POD	Lack of Dilution, Lack of Descriptiveness
SL83	7/11/2006	Reg. No. 3,114,510 for SMARTPOD	Lack of Dilution, Lack of Descriptiveness
SL84	1/13/2009	Reg. No. 3,559,346 for P.O.D.	Lack of Dilution
SL85	10/21/2008	Reg. No. 3,520,980 for P.O.D.	Lack of Dilution
SL86	9/28/2004	Reg. No. 2,888,711 for BOD POD	Lack of Dilution, Lack of Descriptiveness
SL87	12/14/2004	Reg. No. 2,909,967 for PEA POD INFANT BODY COMPOSITION SYSTEM	Lack of Dilution
SL88	7/7/2007	Reg. No. 3,275,704 for CELLPOD	Lack of Dilution
SL89	5/1/2007	Reg. No. 3,235,624 for GORILLAPOD	Lack of Dilution
SL90	5/8/2007	Reg. No. 3,238,686 for GORILLAPOD	Lack of Dilution
SL91	2/5/2008	Reg. No. 3,376,811 for GORILLAPOD SLR-ZOOM	Lack of Dilution
SL92	2/5/2008	Reg. No. 3,376,812 for GORILLAPOD SLR	Lack of Dilution
SL93	12/22/2009	Reg. No. 3,728,756 for GORILLAPOD GO-GO!	Lack of Dilution
SL94	3/2/2010	Reg. No. 3,755,010 for PODHUNT	Lack of Dilution
SL95	5/25/2010	Reg. No. 3,793,402 for GORILLAPOD FOCUS	Lack of Dilution
SL96	7/20/2010	Reg. No. 3,820,033 for UPOD	Lack of Dilution
SL97	4/15/2008	Reg. No. 3,412,068 for WALLPOD	Lack of Dilution
SL98	3/17/2009	Reg. No. 3,589,549 for POD PIPER	Lack of Dilution
SL99	7/28/2007	Reg. No. 3,285,239 for POD PLUGS	Lack of Dilution
SL100	10/30/2007	Reg. No. 3,323,023 for WEATHERPOD	Lack of Dilution, Lack of Descriptiveness
SL101	(accessed on 11/18/2010)	Advanced Distributed Sensor Systems, Inc. Website http://www.distributedsensors.com/209.html	Lack of Dilution, Lack of Descriptiveness
SL102	10/30/2007	Reg. No. 3,323,508 for PODLOC	Lack of Dilution

SL103	10/21/2008	Reg. No. 3,521,357 for AUTOPOD	Lack of Dilution
SL104	4/15/2008	Reg. No. 3,412,396 for ARMPOD	Lack of Dilution
SL105	1/22/2008	Reg. No. 3,371,741 for TRAIL-POD	Lack of Dilution
SL106	8/31/2010	Reg. No. 3,841,878 for AIRPOD	Lack of Dilution
SL107	2/24/2009	Reg. No. 3,578,436 for SATPOD	Lack of Dilution
SL108	9/30/2008	Reg. No. 3,509,401 for POD LIGHT	Lack of Dilution
SL109	11/4/2008	Reg. No. 3,526,432 for PROFIT POD	Lack of Dilution
SL110	5/27/2008	Reg. No. 3,435,009 for CLOUDPOD	Lack of Dilution
SL111	6/2/2009	Reg. No. 3,629,453 for PIXELPOD	Lack of Dilution
SL112	10/13/2009	Reg. No. 3,694,601 for KEY-POD	Lack of Dilution
SL113	9/9/2008	Reg. No. 3,498,429 for QPOD	Lack of Dilution, Lack of Descriptiveness
SL114	(accessed on 11/18/2010)	Quantum Northwest, Inc. Website. http://www.qnw.com/products/prod_qpod.php	Lack of Dilution, Lack of Descriptiveness
SL115	7/19/2008	Reg. No. 3,488,256 for PODFUSE	Lack of Dilution
SL116	3/10/2009	Reg. No. 3,585,708 for PODQUIZ	Lack of Dilution
SL117	10/20/2009	Reg. No. 3,699,757 for SITEPOD	Lack of Dilution
SL118	9/22/2009	Reg. No. 3,686,928 for COMFORT POD	Lack of Dilution
SL119	7/3/2010	Reg. No. 3,826,826 for STEAM POD	Lack of Dilution
SL120	4/14/2009	Reg. No. 3,607,455 for FLEXPOD	Lack of Dilution
SL121	6/8/2010	Reg. No. 3,800,186 for VISPOD	Lack of Dilution
SL122	6/2/2009	Reg. No. 3,632,988 for V2 CHARGEPOD	Lack of Dilution, Lack of Descriptiveness
SL123	(accessed on 11/18/2010)	Callpod, Inc. Website http://www.callpod.com/products/chargepodv2	Lack of Dilution, Lack of Descriptiveness
SL124	12/1/2009	Reg. No. 3,717,475 for VERSAPOD	Lack of Dilution
SL125	5/25/2010	Reg. No. 3,794,135 for TELEPOD	Lack of Dilution
SL126	12/1/2009	Reg. No. 3,718,066 for ETHERPOD	Lack of Dilution
SL127	1/19/2010	Reg. No. 3,739,924 for CHARGEPOD	Lack of Dilution, Lack of Descriptiveness
SL128	(accessed on 11/18/2010)	Callpod, Inc. Website http://www.callpod.com/products/chargepod	Lack of Dilution, Lack of Descriptiveness

SL129	11/2/2010	Reg. No. 3,871,248 for STEADEPOD	Lack of Dilution
SL130	5/11/2010	Reg. No. 3,787,099 for PODTRONICS	Lack of Dilution
SL131	10/5/2010	Reg. No. 3,856,269 for CALLPOD	Lack of Dilution
SL132	12/19/2006	Reg. No. 3,185,434 for TELEPOD	Lack of Dilution
SL133	12/21/2004	Reg. No. 2,912,959 for ENVIROPOD	Lack of Dilution
SL134	3/22/2005	Reg. No. 2,934,862 for PULLPOD	Lack of Dilution
SL135	1/22/2008	Reg. No. 3,372,828 for PODSLEEVZ	Lack of Dilution
SL136	12/13/2005	Reg. No. 3,026,797 for CALLPOD	Lack of Dilution
SL137	6/5/2007	Reg. No. 3,248,919 for BIOPOD	Lack of Dilution
SL138	11/29/2005	Reg. No. 3,020,124 for HI-POD	Lack of Dilution
SL139	10/10/2006	Reg. No. 3,152,809 for GO POD	Lack of Dilution
SL140	11/21/2006	Reg. No. 3,175,235 for STRAP ON TIE-POD	Lack of Dilution
SL141	8/8/2006	Reg. No. 3,126,161 for CALLPOD	Lack of Dilution
SL142	9/4/2007	Reg. No. 3,288,825 for ECHOPOD	Lack of Dilution
SL143	12/23/2008	Reg. No. 3,551,909 for POD	Lack of Dilution
SL144	4/3/2007	Reg. No. 3,224,236 for STICKY POD	Lack of Dilution
SL145	2/13/2007	Reg. No. 3,207,879 for MESSAGEPOD	Lack of Dilution
SL146	11/2/2010	Reg. No. 3,871,629 for AQUA POD	Lack of Dilution
SL147	4/8/2008	Reg. No. 3,409,073 for PROCESS POD	Lack of Dilution
SL148	10/23/2007	Reg. No. 3,321,174 for POD READERS	Lack of Dilution, Lack of Descriptiveness
SL149	(accessed on 11/18/2010)	Select-a-Vision website http://www.select-a-vision.com/shop/readers-c-27_52.html	Lack of Dilution, Lack of Descriptiveness
SL150	7/28/2008	Reg. No. 3,662,048 for FLYPOD	Lack of Dilution, Lack of Descriptiveness
SL151	(accessed on 11/18/2010)	Trap Fruit Flies Website http://www.trap-fruit-flies.com/fruit_fly_trap_flypod.html	Lack of Dilution, Lack of Descriptiveness
SL152	3/18/2008	Reg. No. 3,399,913 for WAVEPOD	Lack of Dilution
SL153	6/26/2007	Reg. No. 3,255,514 for SIGPOD	Lack of Dilution
SL154	7/24/2007	Reg. No. 3,270,350 for CHARGEPOD	Lack of Dilution
SL155	10/2/2007	Reg. No. 3,304,537 for QUIKPOD	Lack of Dilution
SL156	7/11/2009	Reg. No. 3,667,923 for HANDLEPOD	Lack of Dilution

SL157	6/3/2008	Reg. No. 3,667,923 for CHARGEPOD	Lack of Dilution
SL148	7/24/2007	Reg. No. 3,268,207 for SPIDER POD	Lack of Dilution
SL159	10/16/2007	Reg. No. 3,312,606 for SCORPION POD	Lack of Dilution
SL160	3/10/2009	Reg. No. 3,589,196 for INTEGRIPOD	Lack of Dilution
SL161	11/3/2009	Reg. No. 3,705,376 for POD	Lack of Dilution, Lack of Descriptiveness
SL162	2/21/2006	Reg. No. 3,060,492 for PosturePod	Lack of Dilution
SL163	8/19/2008	Reg. No. 3,488,831 for POD	Lack of Dilution
SL164	8/25/2009	Reg. No. 3,673,260 for KEEPOD	Lack of Dilution
SL165	8/17/2010	Reg. No. 3,835,179 for MOTION POD	Lack of Dilution
SL166	10/5/2010	Reg. No. 3,856,987 for PARKPOD	Lack of Dilution
SL167	8/26/2008	Reg. No. 3,493,036 for POD	Lack of Dilution

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Dated: November 19, 2010

Respectfully submitted,

LAW OFFICES OF ANA I. CHRISTIAN

By:  _____

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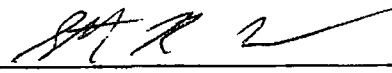
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing NOTICE OF RELIANCE has been served by hand delivering said copy on November 19, 2010, to:

Margaret C. McHugh
Marie C. Seibel
Townsend and Townsend and Crew
Two Embarcadero Center, 8th Floor
San Francisco, CA 94111

Dated: November 19, 2010

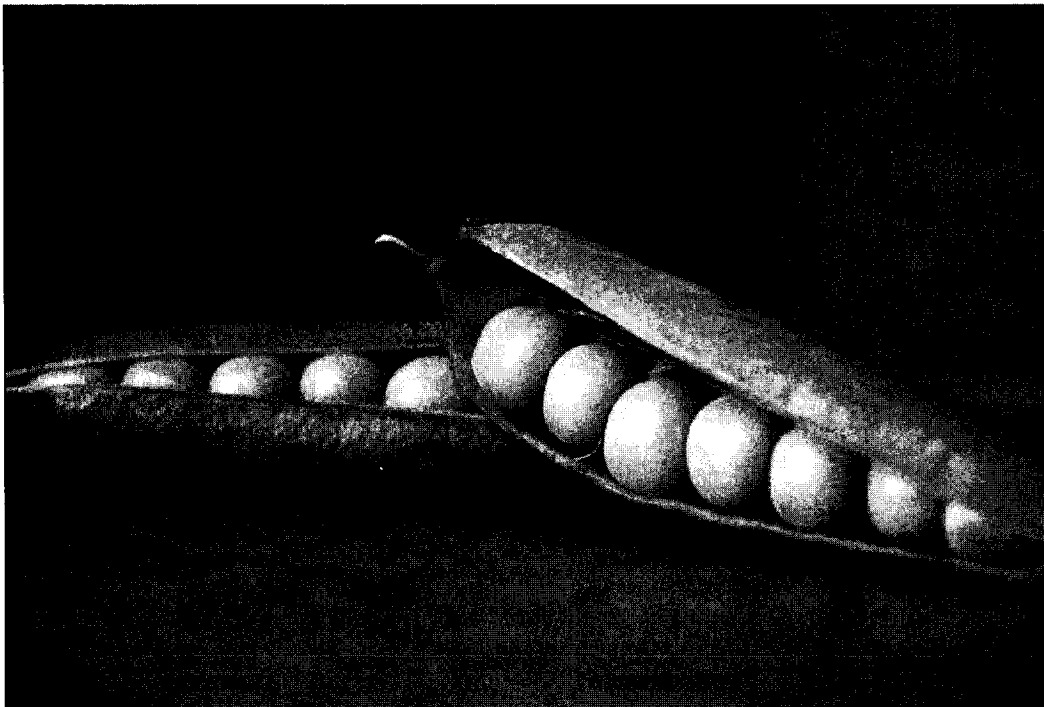
By: 
Stewart Kellar

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Exhibit SL1

Apple Aggressively Pursues 'Pod' Trademarks

By [Brian X. Chen](#) ✉ March 23, 2009 | 1:53 pm | Categories: Uncategorized



What's in a name? A rose by any other name would smell as sweet, but if its name ended in "pod," it might attract the ire of Apple's shark-like legal team.

Apple's obsession with the blockbuster success of its iPod has driven the corporation to chase down many companies attempting to use the media player's three-letter suffix in their product or business names. Names that have come under fire include MyPodder, TightPod, PodShow, and even Podium. On Monday, Sector Labs, a small business whose Video Pod trademark has been blocked by Apple, took legal action to fight back.

"It appears that Apple is not only trying to put an iPod in everybody's hands and white earbuds in everyone's ears but to control the use of our language and most particularly the word 'Pod,'" Sector Labs' lawyers wrote in a 239-page response to Apple's trademark opposition, which has blocked Video Pod's development. "If we are not careful, in Apple's quest for dominance, they will soon attempt to take over the words 'Phone' and 'Tunes' — let us hope they do not attempt a coup over the exclusive rights to the letter 'i'."

Apple's trademark scuffle with Sector Labs is not unique. The corporation began cracking down on businesses attempting to use the word "pod" as far back as 2006. One of the earliest examples involved Podcast Ready, which developed a podcast-downloading application called MyPodder. Apple sent a cease-and-desist to Podcast Ready, claiming that "pod" has become commonly associated with Apple's famous iPod, and using the three-letter word could cause consumer confusion. Apple subsequently took the same action against several other companies, including TightPod, an independent business that sold protective covers for notebooks, which later renamed itself to TightJacket.

A low-profile example involved a start-up called PodShow, a social networking web site for video podcasters. Though the start-up later renamed itself to Mevio to coincide with a site redesign, it's worth noting that Apple in June 2008 filed an opposition to the company's usage of PodShow. Seven months later, Apple withdrew that opposition [pdf].

A Hoovers search query turns up about 600 companies that use the word "pod" in their name, including Peapod and PODS International. But clearly, Apple hasn't given up on the battle for this word. Just last week, Apple sent a cease-and-desist letter to Pivotal, a company marketing an iPhone stand called Podium. In that letter, Apple cited the same reasons — consumer confusion and protecting its intellectual property. Pivotal told Wired.com that it plans to file a

formal response to Apple on Wednesday.

"I absolutely understand a company protecting their intellectual property," said Scott Baumann, president of Pivotal, in a phone interview. "But to start taking ownership of the letters P-O-D — a word that's in the dictionary — certainly seems far-reaching to me. It certainly seems like a stretch."

Though

Sector Labs' response to Apple was published only Monday, the start-up's trademark scuffle with Apple over Video Pod began March 6, 2007, when Apple filed an opposition to the registration of the Video Pod trademark. In the face of that opposition, Sector Labs halted development and funding of the product. Apple then filed a motion for summary judgment — asking for a ruling to be made without going to trial.

But rather than throw in the towel, Sector Labs owner Daniel Kokin filed a response to Apple's motion for summary judgment, continuing the fight. In its response, Sector Labs claims the Video Pod, a video projector designed to work with a DVD player and other input devices (not the iPod), has been in development since 2000 — a year before Apple launched its first iPod. Sector Labs' legal team added that Apple has the burden to prove that a probability of consumer confusion exists.

"The ordinary reasonable consumer must be confused about the source of the Video Pod itself," Sector Labs' response reads [pdf]. "Apple's opposition falls far short of establishing that it is probable that consumers would actually be confused."

Pinnacle Law Group principal Eric

Farber, who is representing Sector Labs, said Apple's intention is clearly to intimidate smaller companies who would more easily fold under the pressure of a corporation as large as Apple.

"Apple is using their power and strength to attempt to knock out very legitimate marks at a stage for start-ups that is very critical, where a great many of them don't have the money to fight a behemoth like Apple," Farber said in a phone interview.

Apple's lawyer did not respond to requests for comment on this story.

Apple's fans typically leap to defend the corporation, but Wired.com readers commenting on last week's story about Podium unanimously disapproved of Apple's actions.

"Apple's got a good point about such flagrant use of the syllable 'pod,'" commented Max Beta.

"Why, just last week I was tricked into going into the office of someone who claimed to be some kind of 'doctor.' The guy didn't know anything about music or iPods®, and he had some kind of weird foot fetish. You shouldn't be able to call yourself a podiatrist unless you are associated with Apple in some way!"

Apple must file a response to Sector Labs by April 1, and then Sector Labs will have the opportunity to respond as well.

Photo: Gaetan Lee/Flickr

Tags: [Apple](#), [law](#)

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Jon 1 year ago

The podiatrist example in the article tells us that the author doesn't have a clue about the law involved in this case. Trademarks are considered in context - the Video Pod trademark, for instance, relates to Apple's success in media devices. It's the fact there is in fact a connection that causes the problem. So the punchline - assuming the poster actually knew what they were talking about - should in fact be "you shouldn't be able to call yourself a podiatrist unless you are NOT associated with Apple in some way!".

Given that pod is indeed an existing word with a track record of being used for small devices - I've got a Line6 bass pod myself - then it seems obvious to me that sometimes a company will be justified in using the word, and others not. I'd be biased in favour for Sector Lab's Video Pod, for instance, because they are making a small pod-like device in a market that Apple doesn't participate in. Pivotal, however, with products like the FlyPod and slogans like "the ultimate iPhone experience" are clearly trying to rip off Apple's brand. Comments on how Apple is trying to claim ownership of words in the dictionary are just self-serving, intellectually vapid attempts at sophistry.

For everybody freaking out, all you're doing is making me feel sympathy for lawyers and that can't be a good thing!

1 person liked this. [Like](#) [Reply](#)



Billish 1 month ago

Down with Apple! The company that brought us "Think Different!" and the famous 1980's "Big Brother" 1984-themed television commercial now wants EVERYONE to have the same phone...the same music player...and wants total control of every aspect of the market.

Who will throw the sledgehammer at Apple for We the People?

[Like](#) [Reply](#)



Foo 1 year ago

> By the way, Foo, I have some papers here from the Foo Fighters lawyers, and they'd like you to cease and desist using that name online.

In that case, I'm ready for a Fight with the Foo Fighters over Foo.

[Like](#) [Reply](#)



Sum 1 year ago

My trademark will be "pod", but it will appear inverted 180 deg.: "pod"
No similarity at all.

dop

Like Reply



Tsiwt 1 year ago

"The issue is whether the marks are SIMILAR enough that it would cause confusion in the minds of the consumer or other business entities as to who the marks represent. Pod definitely creates confusion. Otherwise we'd not be talking about it here in such a mistaken fashion."

What we are talking about is NOT that any of us are confused as to if "Podium" or even "Video Pod" represents Apple. What I read is anger or amusement over how such a suit could seem just (legal or not) to someone who is familiar with the many, NON Apple ways the word/syllable "pod" is used in the english language, and how Apple seems to have motivation (some even say necessity) to sue anyway.

No one here has said, "Wait a minute ... you mean flyPod was NOT an Apple product??? They tricked me!"

By the way, Foo, I have some papers here from the Foo Fighters lawyers, and they'd like you to cease and desist using that name online.

Like Reply



Clarpet 1 year ago

I hate to double-post, but hey, this is just too funny.

WIRED.COM HAS AN ARTICLE FOUND HERE:

Big Demand For the Tiny Tata Nano:

<http://blog.wired.com/cars/2009/03/tata-nano-yugo.html>

that just makes this laughable.

Looks like you have another lawsuit to start, Apple.

While you're at it, you better try to copyright Apps, Store, and Tunes.

Like Reply



Clarpet 1 year ago

Apple you can't copyright something that someone already used BEFORE you.

A copyright exists to protect the CREATOR of said creation, etc.

Apple, you didn't create, nor were you the first to use, the word "Pod" for reference to a product.

Try Googling the word "pod". Ironically, Apple, you're not first on the list. You're not even second. Nope, you place a rather weak 3rd place on the ol' Google rank.

Ironic, also, isn't it, that the company who's made their [IPOD] fortune pushing the copyright boundaries is also the one clinging so tightly to them?

Oh and by the way. POD POD POD POD POD POD POD POD. Suck it, Apple.

Like Reply



Nate 1 year ago

Apple has a long history of using common words as trademarks. Actually, it all started with their choice of their company name, "Apple".

Then they came out with Macintosh, which was eventually shortened to "Mac". Then they discovered that they can put a random letter in front of stuff and trademark the name. "iPod", "iPhone", etc.

Trouble is, they are now extending their trademarks to the words included in their marketing names.

But this isn't new. Mattel sued a guy who started a web site for his daughter who happened to be named "Barbara" (nickname "Barbie") - a common name but also a trademark of Mattel. And they won.

Microsoft sued a company then known as "Lindows" because it was a play on "Windows" - a common word but also a trademark of Microsoft. And they won.

"Pod" is not an establishment of a new precedent, and it is probably defensible because there are certainly a large number of existing precedents. If someone wants to develop something to do with digitized sound, they would be well advised to avoid the word "Pod" in their product name.

Like Reply



Davin Peterson 1 year ago

Apple unfairly dominates the markets resulting in other players such as the Creative ZEN not getting any recognition. The ZEN is a better player than the iPod. Creative invented the user interface, which Apple stole for use in the iPod. It's hard being a Creative Fan when everything is always about Apple.

We don't need to rely on Apple for our music needs. There are better alternatives than Apple.

Like Reply



Bob Stone 1 year ago

I am going to sue all of you out there that use my last name without prior authorization. So beware all of you pot smokers.

Like Reply



kibbles 1 year ago

@Ashley - if you are such a mac fan, then surely you would know its spelled "Mac", not "MAC". there is no need to capitalize it as its not an acronym.

duh.

Like Reply



Randy 1 year ago

Are they after Burger King? You get a box of their fries and you'll see that it says Frypod (tm) on it. I always chuckle when I see that.

Like Reply



re3e 1 year ago

need anymore incentive that apple is evil and that job is the REAL SATAN ?

Like Reply



hob 1 year ago

Does apple think all it's customers are real dim wits? Or do they know something that their non-customers don't know.

Like Reply



Foo 1 year ago

Wow, still lots of bad trademark law floating around here.

John Morrow posits the ridiculous notion that because Apple's trademarked "iPod", therefore "Pod" is fine because it's not the same word as "iPod". So once again for the dunces here: the issue is not whether the marks (symbols) are EQUAL. The issue is whether the marks are SIMILAR enough that it would cause confusion in the minds of the consumer or other business entities as to who the marks represent. Pod definitely creates confusion. Otherwise we'd not be talking about it here in such a mistaken fashion.

Then David T somehow mixes up patent and trademark law, arguing that because VideoPod was used for a project prior to the existence of the iPod, therefore it'd be protected from Apple. Nope. Trademark law doesn't use prior work. If the VideoPod folks didn't want this to come upon them, they should have either (1) trademarked VidcoPod and/or (2) disputed

Apple's request for iPod as a trademark. They blew it.

Like Reply



B. Wilson 1 year ago

The comment about The Onion story reminded me that they also once ran a story about Microsoft trying the patent "1"s and "0"s.

Like Reply



sys admin 1 year ago

Apple sues bloggers and journalists. They illegally tie software to hardware. People who support Apple by buying its products are sociopathic monsters

Like Reply



MB 1 year ago

@Alexander - Bad example. The word "podcast" actually does originate with the iPod:

<http://www.merriam-webster.com/dictionary/podcast>

<http://www.worldwidewords.org/turnsofphrase/tp-pod1.htm>

Like Reply



David T. 1 year ago

I'm sorry, but the info surrounding the Video Pod in this story is just weak. Having read previous stories, I know about the fight with MyPodder and the Podium, and can respect the arguments these companies made because podcast has become a very generic term, and devices built as an accessory to the iPod

What I don't buy is simply because the Video Pod project was started a year before the iPod was released that they should be allowed to use that name. Was that name established (and documented) prior to the release of the iPod? Why did they wait until 2007 to file a trademark? Does the device compete in the same realm as the iPod to cause confusion, as spelled out on trademark rules? I don't know the answer to the first two questions, but the last one would be 'yes.' This was the same argument Apple Corps made when Apple Computer launched iTunes, since the company was in the same realm - music - as they were. The companies eventually settled, as did Apple settle with the maker of the network maker of the original iPhone device, since they had the trademark well before phones were in Apple's plans.

Trademark and copyright law is a self-policing community, the only way a company can get justice is being diligent and litigious. I think this is a far lesser problem than say patent filings, where any idea seems to be patented, all the way down to patenting the enzyme the body produces after taking a drug.

Like Reply



chrisko 1 year ago

For anyone interested in the 239-page reply mentioned, here it is, direct from the USPTO website: <http://tabvuc.uspto.gov/tabvuc/tabvuc-91176027-OPP-27.pdf>

To follow the to its eventual resolution, and to see source docs as they come in, just go to this page on the USPTO website: <http://tabvuc.uspto.gov/tabvuc/v?pno=91176027&pty=OPP> (scroll down to the "Prosecution History" section and click the links!

-Chris Comella (founder of BuzzPal)

Like Reply



chrisko 1 year ago

Good job, Sector Labs and team! A similar thing happened to us in 2006, but we stood up for ourselves against the \$30-million-VC-funded California company (and their NYC lawyers) and won (after a year). -Chris

Like Reply



Tony M 1 year ago

Are you serious? I agree with the first post, this is a Non-story. Before you jump to pivotal's defense, did you actually LOOK at the letter that apple sent? This is over TWO items, Podium and flyPod. Do you think apple would have gone after them if flyPod didn't exist? Because flyPod is a blatant ripoff, it brings question to the origin of Podium, which gives Apple a case.

Like Reply



Dominic 1 year ago

It's simple, the Apple board and legal team got bit by Rockefeller vampires. They hunt for high stock value blood.

Like Reply



gtd 1 year ago

lol i hope this backfires and it makes Apple change all their iPod products to something else!

Like Reply



Alexander 1 year ago

Apple's just being ridiculous. Majority of people could understand the difference between pod and iPod itself. Cuz we see iPod as iPod itself, rather than the word "Pod" only. Things like PodCast, my goodness, has no relation to iPod obviously. If anyone of you who's so dumb to be even confused by the word pod, you should just go and die. I'm not surprise after a few years the word "pod" becomes "we do not speak of its name..."

Like Reply



John Doe 1 year ago

Maybe they should go after port-o-poddy? or is that potty? Oh well, they both smell the same.

Until consumers boycott oppressive companies like this and Monster Cable, they will keep it up.

Like Reply



The Scribler 1 year ago

My podiatrist is not going to like this.

Like Reply



alex 1 year ago

as long as the term 'Podcast' is also pulled from everyday use as well, then i'll be happy. Cos podcast is not specific to apple so they should be suing everyone who uses it. Oh wait, it's beneficial to them, so maybe they wont?

Like Reply



Tshvt 1 year ago

The more Apple sues, the stronger their ability to protect future uses of the word "pod". This is true. That DOESN'T mean they are forced to do anything. They chose each time to penalize others to better act in their own best interest, nothing more.

That doesn't make this a non-story. That makes this a fascinating story about how big money companies best insure their own success by acting aggressively against others, even when they themselves know that such suits are likely without merit.

Perhaps it shows how trademark law unjustly favors those who have pockets deep enough to sue whomever they want, whenever they want?

Why should the strength of your trademark be so tied to your ability to payroll more lawyers than the other guy? Why should I have to employ lawyers to formally lodge a complaint I don't believe in?

Perhaps I don't want to take a trademark lawyer's word for if this silliness is newsworthy or not.

Like Reply



. 1 year ago

The Onion covered this story a couple years ago: <http://www.theonion.com/content/node/53601>

Like Reply



James Katt 1 year ago

Sorry,

But this is a non-story.

Trademark law FORCES a company to sue others for using anything resembling the trademark. Otherwise, the company loses the trademark.

Trademark law means "SUE or LOSE IT".

Thus Apple since the beginning HAS to sue any company using a name that resembles "Pod" no matter how obtuse it is.

That is simply Trademark Law.

Like Reply



Sum 1 year ago

i am currently seeking a copyright on the lower case "i".
if i get my way, no one will use the letter without paying me or my legal team.

Sincerely iSum

Like Reply



Sum 1 year ago

Line6 makes guitar & bass effect units called POD.
They have been around much longer than the PODs in question.

Also, MacIntosh was a high end stereo manufacturer in the 70s

Ram your trademarks up your POD holes.

Like Reply



Sum 1 year ago

We are rapidly approaching a time when obtaining a trademark is nearly impossible using REAL words. And to the loyal MAC users, lighten up, you are not special because you choose

to spend more for products that are by no means superior to the competition.

The IPOD addicted masses, of which many are inflicting permanent ear damage, are causing car accidents, and getting mugged in ever increasing numbers. Gadgets are for those who live empty lives of endless thumb fatigue & impersonal interaction with the actual world.

Peace

Like Reply



Foo 1 year ago

No. Apple lost the Beatles case repeatedly.

As to morphemes and etymology: this has nothing to do with trademark. A trademark is a symbol which represents someone offering a service or product. It doesn't matter if it's used in the general public for other purposes. Next you'll be telling me "Apple" isn't a trademarkable term. What matters is if the symbol wouldn't create confusion if used in a specific context. Thus I can make a trademark called Apple Computers (or Apple Records) but probably can't trademark Apple Fruit Company. On the other hand, Microsoft lost "Windows" as a trademark because "windows" was already being used as a term in a sufficiently confusing context prior to the existence of Microsoft Windows: an that would be GUI windows. It had nothing to do with "windows" being a term for windows in houses. It's all about the CONTEXT of the mark in question. It also doesn't have to do with etymology or spelling: just confusion. Thus creating a company called the Banana Computer Company is likely to fail a trademark case -- it's too similar to Apple and is likely to create confusion. (In fact, that once happened IIRC). In the same vein, "pod" (and variants) is too similar a SYMBOL -- not word, not term, but SYMBOL -- to "iPod" and is almost certainly likely to create confusion. "Did Apple make this PodThing I just bought? It's such crap quality! This must indicate that Apple makes bad products!" That kind of confusion. Apple is very clearly doing exactly what they're supposed to in order to prevent dilution of their trademark. It's too bad that lack of knowledge about trademark law, or surrounding issues is preventing you from thinking twice before posting.

Like Reply



John 1 year ago

What if they gave a revolution and nobody came?

http://www.yardbird.com/what_if_they_gave_a_revolution.htm

Like Reply



MIK 1 year ago

This is the most hypocritical thing ever... didn't Apple only win a court case a few years ago regarding its agreement with the Beatles' Publishing company to use the name Apple?

Like Reply



Ashley 1 year ago

Apple is just doing what they have been doing for years, protecting they're trademark, and for you smart asses out there...this doesn't mean EVERYTHING with the word POD in it- just anything that apple would have, duh? No brainer there, no offense but these comments making fun of the fact that they are protecting they're produce trademark are just silly.

There is a good reason for this... being that I myself am a MAC user- I've come across my share of "mac imitations" & honestly they're fairly annoying.

You see... The best thing about mac's is they're structure (how they are built) in case those of you that don't know they use alot of they're own products aside intel & very few other things, basically they keep to themselves for the most part...so of course I would by an official MAC product OVER another brand simply because I know it's good quality.

Like Reply



Sarkazein 1 year ago

In related news, Apple is also aggressively going after companies that use the word "style" while staying far away from "substance".

Like Reply



JFrazer1 1 year ago

@Foo,

I'm sorry but can you please show me where Xerox and Kleenex or any of their morphemes were in the common use before they were trademarks? May we trace their etymology? I believe 'pod' is an alteration to the 15th century 'codpiece' or 'pod bag'. I didn't know iPods and Apple were around before then. Podium is not even a related word, and its common use traces back hundreds of years as well. The point of this article is that Apple is being ridiculously overzealous defending this trademark, trying to gain ownership of the English language itself. Apple is also attacking the sub-industries that grew up around its own product.

In other words, your statement is complete nonsense, fanboy.

1. <http://www.merriam-webster.com/dictionary/pod%5B2%5D>

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Apple and its name claims

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5th October 2010, 16:35

#21

Chapman Scott-CopyandDesign
There is no life outside of UKBF for me.
...UK Business Forums Full Member...

Join Date: May 2006
Posts: 5,194
Blog Entries: 3
Thanked 1,100 Times in 791 Posts

Quote:

Originally Posted by **thinkingforward**
All this unnecessary clicking about lol. Firstly, why use the cross on a window when you can just hit Apple(key) and W to close? Apple Q to quit. A lot of these things can be done on a pc too.

It's annoying! I don't want to have to start combining keys on my keyboard. I don't even want to have to lift my hand. I just want to move my mouse a few millimetres and then click the button.

Surely no one thinks that all of these key combinations on the Mac are actually more efficient or easier? I found them infuriating.

Quote:

Macs are more productive but you do need to learn a few tips of the trade

Are they really though? Is there any conclusive proof that Mac's increase productivity? I've always been FAR more productive on a PC compared to a Mac.

Quote:

it's like anything, spend a week, full time in adjusting to a mac and I don't think you would want to go back. Especially with virus scanners etc.

Quite a few of my friends have converted.

In my opinion there's a trend of 'Mac's are cool'. These days I find a lot of people go for them simply because they're seen as fashionable compared to PCs.

By the way, can you even update Mac computers with hardware? For example, if my computer is getting sluggish with the latest software, I might buy myself another gig of RAM to handle the increased demand and pop it in. Can you do that with Mac's?

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5th October 2010, 16:39

#22

dynamic08

I am part of the furniture here.
UK Business Forums Free Member

Join Date: May 2008
Posts: 925
Thanked 19 Times in 13 Posts

I have used pc's for the last 15 or so years. I have been using my lovely IMac for the last couple of months and I prefer the IMac to the pc/windows any day.

Its so easy to use and I picked it up in around a week. Not to mention its so quiet.



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5th October 2010, 16:45

#23

Barnie

I say quite a bit around here.
UK Business Forums Free Member

Join Date: Aug 2008
Location: Cardiff
Posts: 456
Thanked 82 Times in 54 Posts

you think thats bad do some research on the monstor cable company

not saying to much just incase they set their lawyers on me but do a search on interwebs and you will find some amazing cases

the itv thing is bad though, i mean ITV



8th October 2010, 05:43

#24

Cathy Duncan

I'm just testing the water here.
UK Business Forums Free Member

Join Date: Sep 2010
Posts: 34
Thanked 0 Times in 0 Posts

Bernie: If iTV is something bad, we're responsible for that because it is we who demand so many things. Isn't it?



8th October 2010, 14:42

#25

Newcott

I'm really getting into this forum.
UK Business Forums Free Member

Join Date: Jul 2010
Location: London
Posts: 282
Thanked 44 Times in 41 Posts

Came across this the other day - thought this might add to the discussion:

<http://www.informationisbeautiful.net/elecoms-trade/>

--
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Apple and its name claims

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5th October 2010, 13:48

#11



Astaroth

There is no life outside of UKBF for me.
...UK Business Forums Full Member...

Join Date: Aug 2005
Location: London
Posts: 3,907
Thanked 252 Times in 241 Posts

They have offered a simple option but they also have produced one of the most advanced commercial products for doing the same (Final Cut Studio) and a middle ground. In addition obviously 3rd parties develop their own software, many for Apple & Windows (such as Adobe Premier) and other than making interfaces in line with the OS there is little difference between the two.

I don't think its a case that Apple are getting worse, I think its more of a case they are becoming more high profile. 10 years ago outside of the creative media industry there was only a low level of interest in Apple and so the "pod" trademark case simply wouldn't have made the news. Now a big corporation is picking on a little company and so its news worthy.

Dan

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5th October 2010, 14:04

#12



thinkingforward

I'm really getting into this forum.
...UK Business Forums Full Member...

Join Date: Dec 2008
Location: London
Posts: 316
Thanked 37 Times in 37 Posts

You really need to be specific here, the below just sounds like a copy and paste from another Apple hater.

I grew up on Windows and used to like getting my hands dirty. I've been Mac permanently for about the last 7 years. There's nothing I can't do on my mac that I could on my PC. My mac does everything better!

And as for the iphone, jailbreak it and you can do what you want with it. I wouldn't be suprised if apple left holes intentionally to be exploited. They want their polished, controlled software but at the same time, have made it easy to jailbreak for those who like fiddling around.

It's win win for them. They sell the most polished phone on the market, whilst not alienating those who want to have a play around.

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Quote:

Originally Posted by **Scott-CopyandDesign** *That's great for them. However, in making the software so simple, they have also cut off any sort of complex options, any sort of in-depth customisation, and directed it towards some fairly generic tasks.*

With windows, there are many different options when it comes to doing certain activities and using the machine in a certain way. With Apple, they've stuck you down one simplistic path, and if it doesn't sit right with you, then you don't have a choice.

I presume that's because they want to prevent those who barely know what they're doing from accidentally damaging the software. That's great for them, but it's really not for me.

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5th October 2010, 14:37

#13

Chapman **Scott-CopyandDesign**
There is no life outside of UKBF for me.
...UK Business Forums Full Member...

Join Date: May 2006
Posts: 5,194
Blog Entries: 3
Thanked 1,100 Times in 791 Posts

Quote:

Originally Posted by **thinkingforward** *You really need to be specific here, the below just sounds like a copy and paste from another Apple hater.*

Got it in one. 😊

Quote:

I grew up on Windows and used to like getting my hands dirty. I've been Mac permanently for about the last 7 years. There's nothing I can't do on my mac that I could on my PC. My mac does everything better!

In your opinion it does. I had to use a Mac for two years while I was doing a course, and I found it to be one of the most frustrating experiences of my life. Perhaps it was because I was using my Windows PC once I'd got home, but if that's the case, then what's the point in switching? Would I receive any clear and obvious benefit which would be worth me ditching my custom-built PC and forking out another £1000+? I highly doubt it. In fact, I'd be paying upwards of a grand just to be more annoyed than I was before when I was perfectly happy with my PC.

Quote:

And as for the iphone, jailbreak it and you can do what you want with it. I wouldn't be suprised if apple left holes intentionally to be exploited. They want their polished, controlled software but at the same time, have made it easy to jailbreak for those who like fiddling around.

Jailbreaking isn't Apple though, so it's irrelevant. I don't want to hack into a system just so it becomes more accessible, customisable and less 'dumbed down'.

Quote:

It's win win for them. They sell the most polished phone on the market, whilst not alienating those who want to have a play around.

And then you have to look at phones like the HTC Desire with the Android OS. They're extremely easy to use, extremely efficient, extremely simple, and still leave it wide open for functionality and customisation. I can even load it as a hard drive instead of having to open up iTunes which seems to have a penchant for every available megabyte of RAM in my entire system.

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5th October 2010, 14:42

#14

Liybpg

I say quite a bit around here.
UK Business Forums Free Member

Join Date: Nov 2009
Posts: 454
Thanked 55 Times in 51 Posts

I was trying to use Mac for a bit, it was extremely annoying and seemed overcomplicated. It seemed to me that somebody sad down and though - how can we create something similar to windows but with all those annoying bits like cross on the other side, no right click (why do I need to play around with the system to get the basic function?) etc. So many things in mac just seemed uncessesary to me, so I am not sure what user friendly means for apple fans.

If I was using mac all my life, it wouldn't have been as annoying to use; but after Windows, not way I'm going to use mac, no matter how pretty or fashionable it is.



5th October 2010, 14:56

#15



Raw Rob

I'm really getting into this forum.
UK Business Forums Free Member

Join Date: Aug 2009
Location: London
Posts: 122
Thanked 32 Times in 32 Posts

Quote:

Originally Posted by **Liybpg**
It seemed to me that somebody sad down and though - how can we create something similar to windows but with all those annoying bits like cross on the other side, no right click (why do I need to play around with the system to get the basic function?)

Ha! If you check the history, you would find that it was the other way round, the Apple interface came first then Windows copied it.

Rob

funkyraw.com - Raw food shop including healthy chocolate
rawrob.com - My blog



5th October 2010, 15:20

#16

Liybpg

I say quite a bit around here.
UK Business Forums Free Member

Join Date: Nov 2009
Posts: 454
Thanked 55 Times in 51 Posts

Quote:

Originally Posted by **Raw Rob**
Ha! If you check the history, you would find that it was the other way round, the Apple interface came first then Windows copied it.

Rob

I know that, but Windows is more popular, so it feels like Mac is a copy)



5th October 2010, 16:04

#17



thinkingforward

I'm really getting into this forum.

...UK Business Forums Full Member...

Join Date: Dec 2008

Location: London

Posts: 316

Thanked 37 Times in 37 Posts

All this unnecessary clicking about lol. Firstly, why use the cross on a window when you can just hit Apple(key) and W to close? Apple Q to quit. A lot of these things can be done on a pc too.

Single clicking on a mac is old school, no one really does that anymore.

I use gestures on my Macbook pro, and haven't even missed my mouse, even when working in Photoshop! I have a mighty mouse sitting o the side gathering dust!

Macs are more productive but you do need to learn a few tips of the trade 😊

it's like anything, spend a week, full time in adjusting to a mac and I don't think you would want to go back. Especially with virus scanners etc.

Quite a few of my friends have converted.

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5th October 2010, 16:21

#18

Liybpg

I say quite a bit around here.

UK Business Forums Free Member

Join Date: Nov 2009

Posts: 454

Thanked 55 Times in 51 Posts

It is interesting how everyone says that apple is so secure etc.

In my PC, I didn't have an antivirus for about 10 months or so (lazy I know). My PC was perfectly fine during that time. I have then installed aN anti virus and it didn't find a thing! Windows security seems to be working well enough.



5th October 2010, 16:24

#19



thinkingforward

I'm really getting into this forum.

...UK Business Forums Full Member...

Join Date: Dec 2008

Location: London

Posts: 316

Thanked 37 Times in 37 Posts

It's the slowdown from virus scanners that really irritate me on Windows

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5th October 2010, 16:31

#20



Astaroth

There is no life outside of UKBF for me.

...UK Business Forums Full Member...


Join Date: Aug 2005

Location: London

Posts: 3,907

Thanked 252 Times in 241 Posts

Quote:

Originally Posted by **Liybpg** 
It is interesting how everyone says that apple is so secure etc.

More that Apple is not targeted rather than secure. A couple of times they have found security holes Apple have been fairly slow to patch them in comparison to MS.

As their popularity continues to grow they are going to have to stop relying on obscurity as their main line of defence.

That said, wouldn't give up my iMac at home at all and would love it if the rummor of a netbook in the form of a smaller Macbook Air turned out to be true.

Dan

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27th September 2010, 14:48

#1

Robert Wheeler

I'm really getting into this forum.
UK Business Forums Free Member

Join Date: Jan 2009

Posts: 443

Thanked 54 Times in 47 Posts

Apple and its name claims

Is it me, or is Apple becoming more and more Microsoft-like in its approach to dealing with its competition?

A few months ago I noted reports that ITV plc were challenging plans to relaunch the Apple TV box and service in the UK as iTV, as they argued that ITV was their protected trademark. Apple argued that 'iTV' was sufficiently different to 'ITV'. I personally can not quite see how a capitalization of one letter can be regarded as "sufficiently different", especially when they are competing in similar, if not the same markets.

Now I have just read that Apple are opposing the release of a product called the 'Video Pod', a projection system from a company named Sector Labs, as they feel they have the exclusive right to use the word 'pod' in product names.

Surely Apple can only be following this tact because they think that Sector Labs will run out of money to pay their lawyers long before they do? The word 'Pod' has been used in both technology and non-technology applications for years. It is not like the word 'Hoover' which only the owners and licensees of Hoover brand can use to describe their products as 'Hoovers'. And how can they have the face to claim they have the exclusive right to the word 'Pod' in any part of a product name, yet say that 'iTV' is significantly different from 'ITV' for there to be no infringement?

To be fair, I do not think this is a new thing from Apple. Apart from the obvious Beatles Apple music case, back in the late 80's and 90's they tried to patent and restrict the use of certain technologies on other computer platforms. At one point they were threatening certain hardware manufacturers with legal action if they provided drivers for their graphics tablets that would allow them to be used with non-Apple systems. They leveled the same threats at software companies that planned to offer support for such software. Apple claimed that they owned a patent that meant they had the right to restrict the deployment of such technology on non-Apple hardware. This is probably one of the main reasons Apple computers became one of the systems of choice for graphics and design applications, despite the fact that their hardware was inferior to contemporary platforms such as the Amiga.

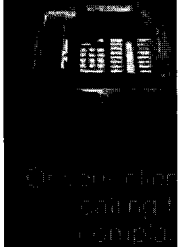
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27th September 2010, 19:28

#2

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for a coffee



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Eagle

There is no life outside of UKBF for me.
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Apple are just arrogant.

Power corrupts etc etc...

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Join Date: Oct 2004
Location: UK
Posts: 4,789
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27th September 2010, 20:57

#3

Liybpg

I say quite a bit around here.
UK Business Forums Free Member

Join Date: Nov 2009
Posts: 454
Thanked 55 Times in 51 Posts

I think all those cases are just business sense. It is like trying to improve your cashflow by paying late and getting money earlier - there's no one policy of 'late' payments, they just do whatever they think is right in every situation. I don't think calling the platform iTV will benefit apple though - I think it is just too close and will cause confusion, which will not benefit apple.

I don't like apple at all though, their brand just annoys me. Not even the brand but the whole fake buzz around it, it is just a perfect example of consumerism at its best. Their products are good, but the whole culture is disgusting



27th September 2010, 21:05

#4

Chapman Scott-CopyandDesign

There is no life outside of UKBF for me.
...UK Business Forums Full Member...

Join Date: May 2006
Posts: 5,194
Blog Entries: 3
Thanked 1,100 Times in 791 Posts

Apple are just as bad as Microsoft now - if not worse. There was once a time when Apple were very free spirited and believed in sharing and being open with their ethics and technology. Now, everything is extremely controlled to the point where usability is damaged in my opinion.

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27th September 2010, 21:11

#5



Zeal
I am part of the furniture here.
UK Business Forums Free Member

Join Date: Oct 2009
Posts: 924
Thanked 251 Times in 213 Posts


Apple do indeed make great products.... but so do other providers. I mean, the iphone isn't the only "smart touchscreen" is it? HTC are well above Apple (IMO).

Anyhow... didn't Apple actually steal the name "ipad" which was trademarked ☺



28th September 2010, 10:26

#6

nickoedwards 

I'm just testing the water here.
UK Business Forums Free Member

Join Date: Feb 2010
Posts: 45
Thanked 1 Time in 1 Post

Quote:

Originally Posted by **Scott-CopyandDesign** 
Now, everything is extremely controlled to the point where usability is damaged in my opinion.

In what scenario is usability damaged? I would agree with that statement if you were a prolific user of cracked software and modding. However, my parents are not, Apple produce products which are ideal for them. Very easy to use, very intuitive and guides them through every step. The other day my 60 year old Dad made a respectable movie from old childhood movie clips, I'd very much doubt he'd be able to download a cracked copy of Adobe Premiere and make one.

You may have to fork out more money to use the software and hardware, but I think it's worth it. So far, it doesn't miss anything I require.

Last edited by nickoedwards; 28th September 2010 at 10:29.



5th October 2010, 12:16

#7

jessicaloreen2 

I'm just testing the water here.
UK Business Forums Free Member

Join Date: Oct 2010
Posts: 7
Thanked 1 Time in 1 Post

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5th October 2010, 12:33


#8

Chapman **Scott-CopyandDesign** 

There is no life outside of UKBF for me.
...UK Business Forums Full Member...

Join Date: May 2006
Posts: 5,194
Blog Entries: 3
Thanked 1,100 Times in 791 Posts

Quote:

Originally Posted by **nickoedwards** 
In what scenario is usability damaged? I would agree with that statement if you were a prolific user of cracked software and modding. However, my parents are not, Apple produce products which are ideal for them. Very easy to use, very intuitive and guides them through every step. The other day my 60 year old Dad made a respectable movie from old childhood movie clips, I'd very much doubt he'd be able to download a cracked copy of Adobe Premiere and make one.

You may have to fork out more money to use the software and hardware, but I think it's worth it. So far, it doesn't miss anything I require.

That's great for them. However, in making the software so simple, they have also cut off any sort of complex options, any sort of in-depth customisation, and directed it towards some fairly generic tasks.

With windows, there are many different options when it comes to doing certain activities and using the machine in a certain way. With Apple, they've stuck you down one simplistic path, and if it doesn't sit right with you, then you don't have a choice.

I presume that's because they want to prevent those who barely know what they're doing from accidentally damaging the software. That's great for them, but it's really not for me.

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#9

5th October 2010, 13:04

atmosbob

I'm really getting into this forum.
UK Business Forums Free Member

Join Date: Oct 2009
Posts: 170
Thanked 25 Times in 23 Posts

Dear Scott

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5th October 2010, 13:47

#10

Chapman **Scott-CopyandDesign**

There is no life outside of UKBF for me.
...UK Business Forums Full Member...

Join Date: May 2006
Posts: 5,194
Blog Entries: 3
Thanked 1,100 Times in 791 Posts

Quote:

Originally Posted by **atmosbob**
Dear Scott

This is the 1st time I have heard that Adobe software is simpler on a Mac than a PC.

I wasn't talking about specific software. I was talking about the OS as a whole, and basically everything Apple creates, such as the iPhone.

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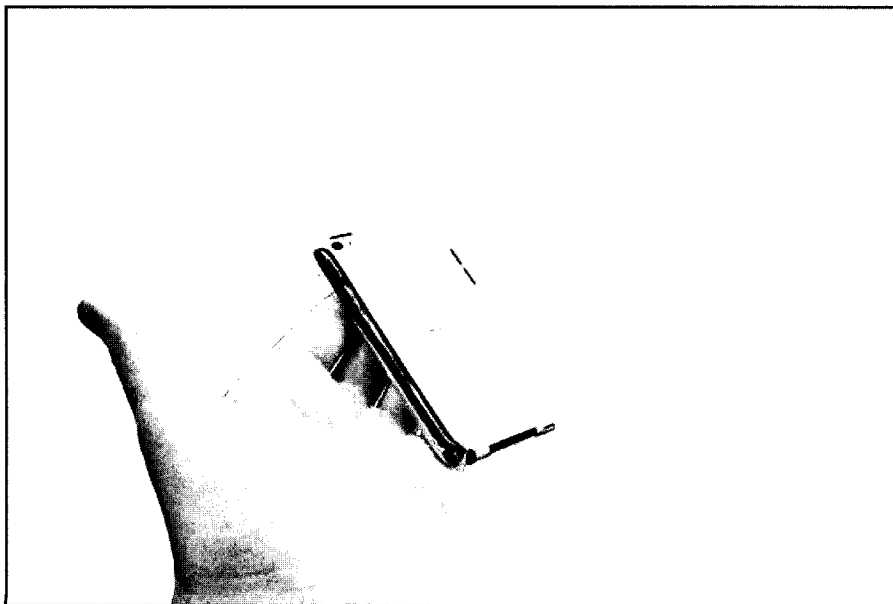
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Apple and Startup Heading to Court Because of ‘Pod’

- September 27, 2010 9:00 AM
- [Francesca StaAna](#)
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Good business sense or just plain bullying? Apple and a startup company called Sector Labs are scheduled to see each other in court over the word ‘Pod.’ The startup is apparently developing a video projector Video Pod, and the kids over at Apple are not happy about it.

According to Daniel Kokin, founder of Sector Labs, his company has been working on the Video Pod for nearly ten years, and the

trademark issue didn't even cross their minds until Apple opposed. "I still don't think Apple is interested in video projection, but I'm supposed to rename our product because Apple also uses pod?" Kokin mentioned in a statement.

This may be the first time that a startup company is heading to court because of Pod branding, but Apple has opposed several companies from using Pod in product names. [Wired.com](#) reported that "Names that have come under fire include MyPodder, TightPod, PodShow and even Podium."

[via [Wired](#)]

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1 Comment



1. *Jeff* says:
[October 17, 2010 at 8:45 PM](#)

Next they will take the Killer Whales to court because they travel in groups called Pods..... Really Apple???

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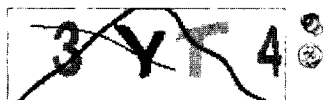
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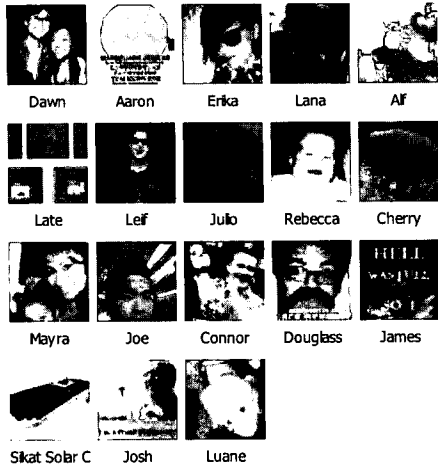
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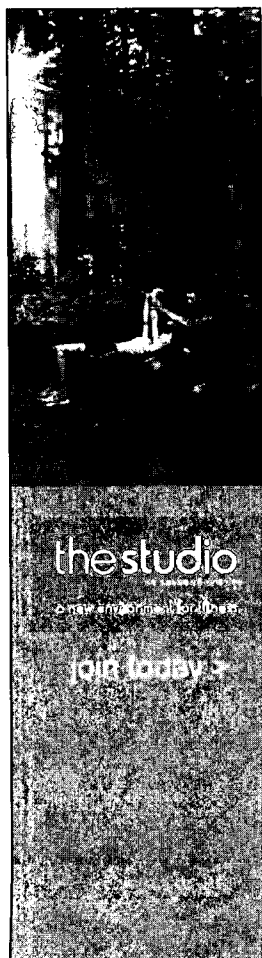
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Apple begins trademark trial over 'pod'

By Karen Friar, ZDNet UK, [26 September, 2010 09:00](#)

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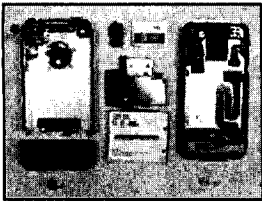
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NEWS

Apple has gone to trial to stop a start-up using the word 'pod' in a product name.


The legal dispute centres on San Francisco-based [Sector Labs](#)' use of the name 'Video Pod' for the [video projector it is developing](#). On Monday, [Apple](#) filed an 873-page document with the US trademark appeals body outlining why it should have sole rights to 'pod', according to reports.

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The iPod maker, which launched its challenge in 2007, has maintained throughout that allowing Sector Labs to use the word would cause confusion among consumers.

"This is a straightforward case of an applicant who intentionally selected an applied for a mark confusingly similar to Apple's famous iPod mark in order to capitalise on the fame and goodwill of Apple's mark," the company said in a [motion for summary judgment](#) filed in January 2009 with the Trademark Trial and Appeal Board of the United States Patent and Trademark Office (USPTO).

Sector Labs, which also sells a temperature-sensitive light for kitchen taps, has spent the past three years defending its product name against Apple, which has a history of [legal actions over the use of 'pod'](#) and other [trademarks](#).

The fight is about more than allowing small businesses to use the word 'pod' in their product names, Sector Labs' lawyer Ana Christian told [Wired.com](#).

"I'm trying to look at it on the big picture," Christian said. "What I'm hoping to do with this case is to really reach a lot broader of an audience and make it so entrepreneurs and small businesses can use the English language as they see fit in branding their products."

Apple's filing on Monday is the first stage in the trial, which will be conducted entirely on paper. Like Apple, Sector Labs has 30 days to gather its evidence and is scheduled to file its testimony by 18 November. The USPTO tribunal make its decision after receiving all submissions, the last of which is expected in January 2011.

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Talkback

Apple are such a bunch of wasters. I suppose we can't have pea pods? As if it makes any difference to them.

[peter_erskine](#) 26 September, 2010 16:26 [Reply](#)

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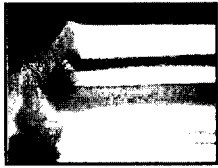
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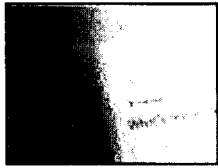
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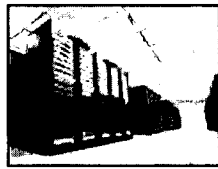
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Apple brings projector maker to trial over 'pod' name

Battle begins over generic term

updated 04:25 pm EDT, Thu September 23, 2010

Apple is headed to trial with Sector Labs over use of the word "pod" in a product name, *Wired* reports. The latter company is the creator of a video projector called the Video Pod, which Apple accuses of infringing on the iPod trademark. Sector Labs' co-founder, Daniel Kokin, has argued that his company's output has no relation to Apple products.

"My team started working on the Video Pod in 2000, and it took us years to go from prototype to funded," says Kokin. "At that time, Apple didn't even enter our minds as a competitor. Now it's 2010 and I still don't think Apple is interested in video projection, but I'm supposed to rename our product because Apple also uses 'pod'?"

Apple has been aggressive in pursuing filings against other pod-themed products. Some examples include MyPodder, TightPod, PodShow and Podium. Sector Labs, however, will be the first accused company to directly confront Apple in a trial. The two parties have been in conflict since early 2009.

Kokin's lawyer, Ana Christian, contends that Apple's position is part of a disturbing overall trend, in which larger corporations try to claim the rights to standard English vocabulary. Facebook, for instance, is said to have recently filed a trademark suit against Teachbook.

"I'm trying to look at it on the big picture" says Christian. "What I'm hoping to do with this case is to really reach a lot broader of an audience and make it so entrepreneurs and small businesses can use the English language as they see fit in branding their products." Apple not commented on recent developments.

Each side in the trial is required to submit its evidence to the US Patent and Trademark Office within a space of 30 days. Apple submitted an 873-page document on the 20th; Sector Labs is set to begin testimony on October 18th. A victory in Sector Labs' favor could potentially set a precedent, preventing Apple from targeting more companies unless they explicitly use the term iPod.

0

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By MacNN Staff

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09/23, 04:46pm [reply](#)

Apple is protecting it's trademarks

Apple didn't act like this until other companies started suing it for anything and everything. Apple is simply being proactive

and making sure they defend their patents. Apple is actually using their patents while other companies come up with similar names or products and never market them.

Go to http://www.sectorlabs.com/products/video_pod.htm and see that video-pod hasn't even been released. Their other two products are a temperature-sensitive faucet light and some kind of cup to hold cream for coffee(?). If they've been working on a video-pod for 10 years, it must have been a hobby. Apple's been using the "pod" trademark for several years.

prl99

Fresh-Faced Recruit

Joined: Mar 2009

-9

09/23, 05:20pm [reply](#)

Bizarre

I looked over their site. One product is a fast food coffee cup marked to allow the servers to not overfill it and allow for room for the milk. The other is a light you attach to your faucet that glows red or blue depending on the temperature of the water. And the third is the Video Pod which they do not describe.

This looks to me more like a guy dreaming up ideas in his basement than a real company. The whole operation gives me the impression of someone trying very hard to appear like a player when they are a wannabe. It just doesn't feel right.

That said, the idea of whether Apple has rights over anything named 'Pod' is a little iffy. I understand they need to protect their trademarks but Pod isn't unique to them. 2-Peas-in-a-Pod, Open the pod bay doors Hal. It's been around.

Geoduck

Fresh-Faced Recruit

Joined: Jan 2010

0

09/23, 06:54pm reply

funny

I find it funny that Apple used the iPhone name when it belonged to Cisco, the iPad name when it belonged to Fujitsu and it even tried to use the iTV when it belongs to ITV. Now they are upset because somebody uses "pod".

pt123

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+8

09/23, 07:19pm reply

Sounds like a

lawyer employment program to me.

Flying Meat

Fresh-Faced Recruit

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09/24, 12:45pm reply

up next

Apple sues the makers of photography and film equipment for selling products under the name 'tripod', for Apple also does video.

The makers of percussion instruments are also in their crosshairs, what with those xylophones hijacking Apple's name (esp. since you can download the xylophone app for the iPhone, thus making it doubling confusing).

It has been reported that hospitals, as well as some various other businesses, are next to be sued for naming their helicopter landing areas after Apple's revolutionary iPad device. Some have already begun referring to their helipads with a different name to avoid a lawsuit.

Apple's new data center, located in North Carolina, has driven many industry analysts to believe that the next company under attack will be Greensboro-based Mack Trucks. As has been known for years, there is an eerie similarity to the Mack Truck's cab and the Mac Classic (especially if one squints and doesn't pay too much attention).

testudo

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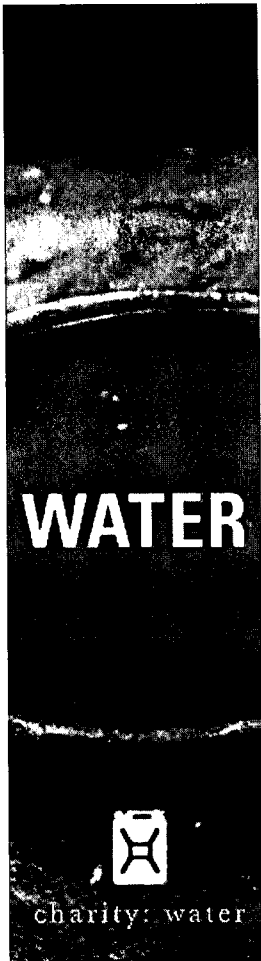
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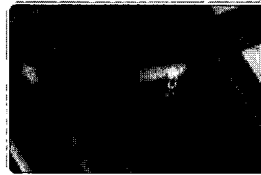
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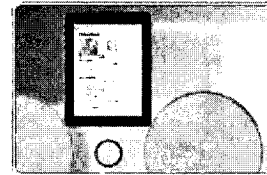
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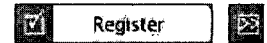


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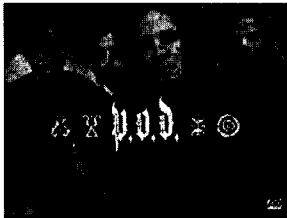
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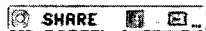


And spare a thought for those nice boys from alternative heavy metal band, POD (payable on death). On current form, Mr Jobs may be aiming to collect!

Apple claims rights to the word "Pod". But have the dolphins been told?

Posted By [Martyn Warwick](#) , 27 September 2010 | [0 Comments](#) | ☆☆☆ (0)
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Apple has submitted a document to a US court claiming sole rights to, and total ownership of, the word "pod". The rationale runs to a staggering 873 pages and the case is expected to go before the courts in October. One can only hope that the judge has enough sense to find against this ludicrous assertion or Apple will next be claiming that it owns the word "pad", and that could cause havoc in the women's sanitary wear market. Martyn Warwick reports.



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A few years ago, some time after the release of the blockbuster movie "Jurassic Park", lawyers acting on behalf of Steven Spielberg's film production company tried to copyright for the studio the word "Jurassic."

The claim was thrown out of court on the grounds that "Jurassic" actually refers to one of earth's geologic periods: the one that slots in so very nicely between the end of the Triassic to the beginning of the Cretaceous periods that it could actually have been coined as a descriptor of that very age - as indeed it was.

The word has been around for a while and the judge sensibly took the view that geologists, archeologists, vulcanologists and even the good old general public should remain at liberty to write "Jurassic" without having to append the words "Trade Mark" to every mention they might make of that era of between 200 million to 146 million years ago.

However, that knock-back for the 1990's entertainment industry hasn't stopped several companies in the telecoms and ICT sectors from trying it on and claiming exclusive rights to generic words.

There's a trend underway and in past months the satellite broadcaster Sky has tried to sue the VoIP company Skype on the grounds that its name contains the letters that make up the word "sky" in that exact combination and therefore Skype should be put out of business. Microsoft has always been very jealous in its husbanding of the word "windows" and Facebook recently tried to acquire sole rights over the word "book".

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Best of luck with that one, Mark.

And now that mighty corporation Apple has put on its great big scrumping boots and is set to stamp on the little start up Sector Lab for having the temerity to name its soon-to-be-released projector as "Video Pod".

Apple's argument is that the name "Video Pod" will cause confusion with its iPod products even though it will be clearly and unequivocally labeled as coming from Sector Labs.

Stewart Keller, an attorney acting for Sector Labs says, "What I'm hoping to do with this case is to really reach a lot broader audience and make it so entrepreneurs and small businesses can use the English language as they see fit in branding their products."

Mr. Keller adds, with some glee and considerable justification, that Sector Labs actually applied to register and trade mark the name Video Pod back in 2003 whilst the iPod video models were not on the market until 2005.

This is yet another example of a mighty corporate sledgehammer being used to crack a nut and if Apple gets its way on this it will surely be no more than a matter of time before it makes a claim to "own" the lower case letter "i".

And no doubt I could be sued for writing something to the effect of "The podgy podiatrist podesta's (a podesta is a mayor or similar functionary in some towns in Italy) podophyllum's (the rhizome of the May apple) podocarp (a stem supporting a fruit on a vine or branch) is on the podium."

No, this way madness lies. As the picker says to the peas, and as, hopefully, the judge will say to Apple, "Pod Off!"

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Apple claims word 'Pod' is exclusive, files case

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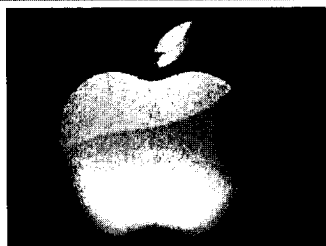
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San Francisco, Sep 27: The innovative giant Apple Inc has filed a legal suit against tech start-up Sector Lab over the use of the word 'Pod'.

Earlier in Sep 2010, Sector Lab announced the name of its upcoming projector as the Video Pod. Following this

Apple filed the suit claiming exclusive rights to the word 'Pod'. Apple claimed that the use of word 'Pod' in the name will confuse the consumers to think that the product is related to Apple's iPod range of media devices. Apple had submitted an 873-page legal document in a US court claiming the exclusivity of the word.

Sector Labs' lawyer Stewart Keller told that their company applied for the name in 2003, while Apple launched the iPod video in 2005.

Apple has previously taken legal action against small tech companies looking to use the word 'Pod' in their products, including MyPodder, TightPod, PodShow and Podium.

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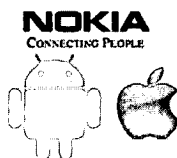
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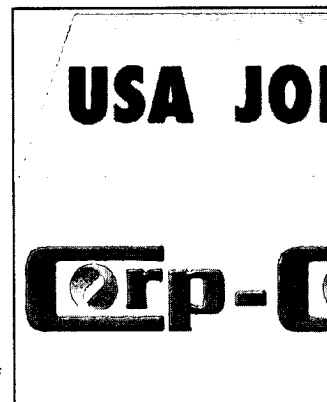
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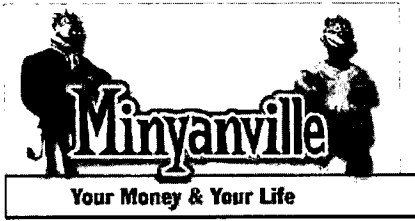
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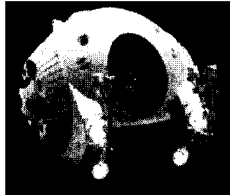
Apple Demands Exclusive Rights to 'Pod'

By Mike Schuster September 28, 2010 12:43 PM

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I'M AFRAID I CAN'T LET YOU DO THAT, STEVE



As ridiculous as it was to hear Fox News attempting to trademark the phrase "fair and balanced," it doesn't hold a candle to the number of times Apple has attempted to trademark common elements to our language. Words, fruit, even the letter I. Beyond comprehension, the company has gone to the legal mat over pictures of apples -- invariably with smaller brands and individuals who couldn't afford a similar fleet of lawyers.

And now, the company's at it again and taking on startup Sector Labs for its video projector which shares the same three letters as one of its flagship products. The product is called Video Pod, and Steve Jobs ain't havin' it.

Apple took on Sector Labs in 2007, filing opposition to try to block Sector Labs from registering the Video Pod name, but soon the legal dispute will go to trial. Sector Labs founder Daniel Kokin told *Wired* he isn't backing down.

"My team started working on the Video Pod in 2000, and it took us years to go from prototype to funded," Kokin said. "At that time, Apple didn't even enter our minds as a competitor. Now it's 2010, and I still don't think Apple is interested in video projection, but I'm supposed to rename our product because Apple also uses *pod*?"

Sector Labs' lawyer Ana Christian aims to not only win the right to use "pod" for her client's product but also to put an end to corporate trademark bullying.

"I'm trying to look at it on the big picture," Christian said. "What I'm hoping to do with this case is to really reach a lot broader of an audience and make it so entrepreneurs and small businesses can use the English language as they see fit in branding their products."

Still, Apple believes that -- despite the lack of the Apple logo plastered on every inch of the product and packaging -- Video Pod could potentially confuse customers and is a blatant attempt to cash in on that confusion. In its initial motion:

"Applicant's obvious attempt to usurp Apple's rights by selecting the Video Pod mark unfairly targets Apple's customers for Applicant's complementary products designed for use with, among others, the iPod device."

Evidently, Apple felt the same way about Profit Pod, an arcade machine data collector, and laptop protecting covers called TightPod.

But it's in their right, after all. Who could forget the story of a 13-year-old Steve Jobs contacting Arthur C. Clarke and recommending the term "pod" for the sleek spacecraft -- putting the term in the public's consciousness? As well as the Jobs' rich family history -- going back millennia -- in peapod farming?

POSITION: No positions in stocks mentioned.

TAGS: APPLE, IPOD, PATENT, FOX NEWS, TRADEMARK DISPUTE SOURCE: *Wired*

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Submitted by Seher Dhillon on Sun, 09/26/2010 - 10:17 Company Updates

Technology Sector TNM Apple



Cupertino-based Apple has launched a legal battle against technology start-up Sector Lab, claiming exclusive rights to the word "Pod".

The battle over rights to the "Pod" trademark was triggered following Sector Labs decision to name its upcoming projector as the Video Pod.

To claim its exclusive rights to the word "Pod", Apple has submitted an 873-page

legal document in a US court earlier this week. Sector Labs will pursue in early next month.

Apple claims that the name "Video Pod" will cause confusion with its own iPod products.

It is not the first time that a technology firm is going to engage itself in a legal battle over a product's name. The trend of assuming ownership of ordinary words by the dominant firms is on the increase. Social networking site Facebook's argument against Teachbook can be cited as an example.

Speaking on the issue, Sector Labs' lawyer Stewart Keller said, "What I'm hoping to do with this case is to really reach a lot broader of an audience and make it so entrepreneurs and small businesses can use the English language as they see fit in branding their products."

It may be noted here that Sector Labs applied for the trademark registration for the name in 2003, while Apple launched the iPod video in 2005.

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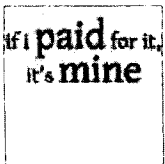
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Apple files 873-page court paper claiming ownership of the word "pod"

as part of its lawsuit against Sector Labs for their upcoming videopod projector system apple have filed an 873 page document claiming that the word "pod" and that no other company should be allowed to use that word in their product names as it could cause confusion.

should companies be allowed to "own" words in the english language?

Apple has embarked on a legal battle over the right to use the word "pod".

The row has come about because of a projector called Video Pod currently being developed by start-up Sector Labs.

When the dispute first began, Apple said Sector Labs' use of the word might cause confusion among customers.

Source

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Apple files 873-page legal claim over the word 'pod'

The Cupertino company takes on another company that uses the word 'pod' in their product.

Apple has decided to get into a legal battle over the use of the word 'pod'.

Start-up company Sector Labs is developing a projector called Video Pod, which Apple is objecting to, because it uses the word 'pod'. Apple feels that consumers will be confused over the use of the word, which Apple uses for their range of music players.

Apple has filed an 873-page legal claim document to a US court outlining its claim to exclusively use the word 'pod'. Sector Labs will follow in early October.

Related links

- [New iPod Touch review: Apple iPod Touch 4th gen tested](#)
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Sector Labs' lawyer, Ana Christian, said to Wired.com, "What I'm hoping to do with this case is to really reach a lot broader an audience and make it so entrepreneurs and small businesses can use the English language as they see fit in branding their products."

The US patent office will judge each of the companies' claims.

Sector Labs is not alone in being targeted by Apple for using the word 'pod' in their product line. Podium, MyPodder, TightPod and PodShow were all subject to

Apple's objections. However, Sector Labs seems to be the only one to take Apple on in court.

Would you get confused if another company used the word 'pod'? Let us know what you think of the 873-page legal claim on T3's [Twitter](#) and [Facebook](#) pages and follow us for all the latest tech news.

Via: [BBC](#)

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Apple files 873-page legal claim over the word 'pod'

4:13 pm in *Technology Junction* by *Joe Minihane*

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Would you get confused if another company used the word 'pod'? Let us know what you think of the 873-page legal claim on T3's [Twitter](#) and [Facebook](#) pages and follow us for all the latest tech news.

Via: [BBC](#)

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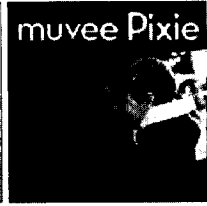
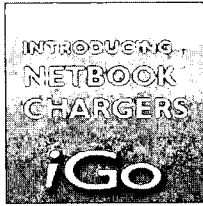
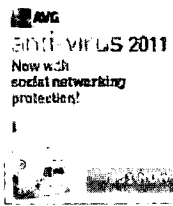
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Apple goes to court over "Pod" trademark

08:08 | Friday September 24, 2010

By **Eamonn Forde**





Apple will meet Sector Labs in a court battle over which of them has rights to the "Pod" trademark.

Apple launched its original iPod device, which did not have video capability, in October 2001 but Sector Labs claims that it started working on its Video Pod video projector in 2000.

Wired quotes Sector Labs founder Daniel Kokin as saying, "My team started working on the Video Pod in 2000, and it took us years to go from prototype to funded. At that time, Apple didn't even enter our minds as a competitor. Now it's 2010 and I still don't think Apple is interested in video projection, but I'm supposed to rename our product because Apple also uses 'pod'?"

Apple has taken legal action in the past against a variety of companies using "Pod" as either a prefix or a suffix to their product names. Wired claims that Sector Labs "is the only company to go to trial with Apple over using the Pod branding."

The legal dispute between Apple and Sector Labs dates back to 2007 and they are expected to go to court within the next month.

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Apple Goes To Trial With Startup Company Over Usage Of 'Pod' Name

Published on Friday, September 24 2010 11:33 am by [The OS Freak](#)   

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What does the word 'pod' mean to you? For some, it brings to mind the tough enclosure found on seeds, while others may probably think of the popular Apple iPod media player.

However, in this case, it seems that Apple clearly believes that the word exclusively refers to its line of portable media players. And to this end, it has filed complaints and oppositions against a startup company, Sector Labs' use of the term in video projector, the Video Pod.

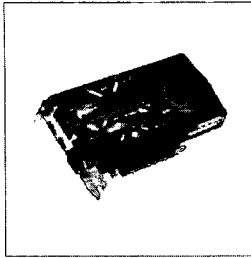
According to [Wired.com](#), the initial complaints were filed way back in 2009, but what makes this particular case unique is that Sector Labs will be the first and only company to go head-to-head against Apple over the usage of the 'pod' word.

In addition, Ana Christian, the lawyer for Sector Labs' founder Daniel Kokin, has claimed in an interview with [Ars Technica](#) that the trial is more than just a petty dispute over trademark rights.

"What I'm hoping to do with this case is to really reach a lot broader of an audience and make it so entrepreneurs and small businesses can use the English language as they see fit in branding their products," she said.

The trial is set to take place "over the next month".

Source: [Wired.com](#), [Ars Technica](#)



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Apple Seems To Trial With Startup Company Over Usage Of 'Pod' Name

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Join Date: Aug 2007
Location: In a datacentre
Posts: 291,959
Trade rep: 0 (0%)

Apple Goes To Trial With Startup Company Over Usage Of 'Pod'

Name VRNews Sep 24th, 10, 11:33 AM

Trademarks can be tricky business. After all, there is nothing worse than having worked on a prototype only to be told by some trademark holder that the product's name infringes on its trademark and must face legal proceedings. Sounds harsh? That is precisely what Apple is doing with Sector Labs, a startup based in America.

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Apple Goes To Trial With Startup Company Over Usage Of 'Pod' Name

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glyfone Sep 24th, 10, 11:53 AM

seems like all big coy in the USA are kinda like big bullies



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SmallWalrus
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SmallWalrus Sep 24th, 10, 11:57 AM

This is so B.S.

First they go all uppity with the "i" bit of their product names. Now the "Pod" bit.

What's next? They go after all businesses with "Mac" in their names, then "Book"? And lastly... "Pro"?



Join Date: Dec 2009
Posts: 5,669
Trade rep: **21 (100%)**



The Ducky keyboard community mass order thread
Blue-Black promotion now on! MO #4 open 😊



Del_CtrlnoAlt



Registered User

Join Date: Sep 2006
Posts: 8,456
Trade rep: **5 (100%)**

Del_CtrlnoAlt Sep 24th, 10, 12:54 PM

Quote:

Originally Posted by **SmallWalrus** ☺
This is so B.S.

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What's next? They go after all businesses with "Mac" in their names, then "Book"? And lastly... "F

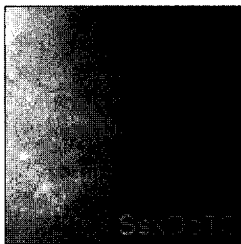
next they go after the Pads... poor gals will have all their blood flowing without 1... next time will be c Tissue/Block/Patch... and hopefully they don't release anything that uses that name.

btw, doesn't Singnet/Singtel had some POD plans last time?

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ssxdots



used to lurk

ssxdots Sep 25th, 10, 12:45 AM

Next thing we know, apples cant be called apple.



Join Date: Sep 2009
Location: BP
Posts: 1,442
Trade rep: **2 (100%)**



shard
Senior Member

shard Sep 27th, 10, 12:04 AM

If you guys read the original article it gets very interesting.

Join Date: Jul 2005
 Posts: 2,870
 Trade rep: 1 (100%)

and Apple can only sue if it is a competing product.

Now Apple also has a product that was called the Video iPod (officially I think it is the iPod Classic), not bit close for comfort. Again not much of a problem if they don't compete in the same area.

Now can someone tell me what a Video Pod does?



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[permalink](#)

DubbleCheez 71 points 1 month ago [-]
I'm afraid you'll have to sue me, Steve.
[permalink](#) [parent](#)

Epistaxis 6 points 1 month ago [-]
I was actually thinking of *Invasion of the Body Snatchers*.
[permalink](#) [parent](#)

MianBao 3 points 1 month ago [-]
Open the Pod IP doors, Steve.
[permalink](#) [parent](#)

chilehead 4 points 1 month ago [-]
| Open the i-pod bay doors, HAL.
I'm sorry, Dave. I'm afraid the trademark lawyers can't let me do that.
[permalink](#) [parent](#)

bdpf 1 point 1 month ago [-]
bean pods, pea pods, shucking pods, etc.
[permalink](#) [parent](#)

gibou 40 points 1 month ago [-]
Yeah. They are going to do the same with "pad" and "phone"....
[permalink](#)

simon1999 37 points 1 month ago [-]
... and "tunes"
[permalink](#) [parent](#)

niggles 28 points 1 month ago [-]
... and the letter 'l'.
[permalink](#) [parent](#)

HardcoreSects 12 points 1 month ago [-]
... and then words with a lowercase letter followed by an uppercase letter
[permalink](#) [parent](#)

feteti 3 points 1 month ago [-]
Look out , camelCase!
[permalink](#) [parent](#)

the_index 11 points 1 month ago [-]
Look out, Bugs Bunny!
[permalink](#) [parent](#)

Corzak 22 points 1 month ago [-]
Only a matter of time before Jobs has his team of evil henchmen go into your local grocery store and present them with a C&D because their use of the word APPLE will confuse consumers.
[permalink](#)

HardcoreSects 7 points 1 month ago [-]
My local grocery store calls them red-oranges.
[permalink](#) [parent](#)

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[patholio](#) 2 points 1 month ago [-]

They are called "short pears" here.

[permalink](#) [parent](#)

kn0thing
hueypriest
maxwellhill
ketrainis

[NoSalt](#) 45 points 1 month ago* [-]

I wouldn't exactly call myself an Apple Fanboy, but I do really like Apple and much of what they do. That being said, I *really* hope that Apple loses this battle. It's fucking ridiculous that a company would try to prevent people from using a word in the English language. Other examples are:

- Monster Cable trying to prevent people from using "monster"
- Facebook trying to prevent people from using "book"
- Spike Lee trying to prevent [originally] TNN from using "Spike TV"

Can anybody else think of other idiotic "it's mine and you can't use it" examples?

[edit] fixed spelling mistake ... thanks CualEsMiNombre

[permalink](#)

[timeshifter_](#) 16 points 1 month ago [-]

Droid.

[permalink](#) [parent](#)

[Laserawesomesauce](#) 10 points 1 month ago [-]

sadly, lucas arts won that one didn't they?

[permalink](#) [parent](#)

[metl_lord](#) 28 points 1 month ago [-]

Lucasfilm created the word droid. It's origin is listed as 1976, from the first Star Wars movie. They own the trademark. Also, droid really only has one definition.

Pod, on the other had, dates back to the mid 15th century. It also has multiple definitions.

[permalink](#) [parent](#)

[Artic-bear](#) 11 points 1 month ago [-]

| Lucasfilm created the word droid.

Irrelevant. Did they trademark it before it became popular? "Creating" a word shouldn't give you any special rights to it.

Besides that, they didn't just create it, they derived it from an existing word in a straightforward manner.

[permalink](#) [parent](#)

[NikkiA](#) 4 points 1 month ago [-]

| Did they trademark it before it became popular?

Nope, they filed for trademark on it in 2009, and were rejected (essentially, 'suspension of action on the trademark request') in July this year.

[permalink](#) [parent](#)

[Commander_Q](#) 2 points 1 month ago [-]

Without taking a position on whether "Droid" ought to be a protected trademark...

| Did they trademark it before it became popular? "Creating" a word shouldn't give you any special rights to it.

That's not how trademark works. You can trademark a word that you didn't create, and you cannot always trademark words just because you created them.

Trademark law exists to protect the "marks" you use in your trade, especially logos, business and product names, and certain kinds of unique catchphrases, jingles, etc.

For example, if you were to start a company called "Arctic Bear Hot Dogs", you would almost certainly have certain rights to the distinctive combination of "Arctic Bear", particularly as a brand of processed meat products. And you would typically have the protection even without necessarily having registered the trademark. As long as you can prove that you had been consistently using (and protecting) the name in business as a "mark", the law would typically protect your right to prevent someone else from trying to sell hot dogs under your brand.

OTOH, you would not have any special ownership of the words "Arctic" or "Bear", and you might not even have ownership of the phrase. An unrelated sight-seeing company that went on cold-weather bear-sighting tours for example might be able to call itself "Arctic Bear and Wildlife Tours". However they almost certainly could not call themselves "Darth Vader Wildlife Tours" since there is reason or merit at all in using "Darth Vader" except to associate with Star Wars.

Similarly, unlike with copyright, you cannot just make up a bunch of words and phrases and get trademark protection for them-- they have to be marks that you are actually using and protecting in real everyday business before you can register them and seek formal protection.

[permalink](#) [parent](#)

Artic-bear 1 point 1 month ago [-]

That's not how trademark works. You can trademark a word that you didn't create, and you cannot always trademark words just because you created them.

I don't think we are in disagreement. I used "trademark" as a shortcut for "use as a trademark". I don't really see much to disagree on the rest either.

[permalink](#) [parent](#)

Commander_Q 1 point 1 month ago [-]

I used "trademark" as a shortcut for "use as a trademark".

Well again, I don't necessarily mean to mount a defense for the "Droid" trademark, because that's kind of a fuzzy and borderline case at best.

Trademarks are very different from copyrights or patents. But in all IP cases, the *purpose* of the law is always *supposed* to be to *protect* existing "natural" rights, not necessarily to grant new ones.

For example, there are probably thousands of businesses that operate under the name "Town Diner". And each of them might have a legitimate claim to that name as "mark" of trade. But since most of them are in different towns, they never infringe, and they could all legitimately claim a certain amount of protection, without ever getting the right to force some other Town Diner in some other state to stop using that name. But even that's a bit fuzzy.

Copyrights and patents are pretty cut-and-dried: if you wrote something, you own the copyright, and nobody else can use it or reproduce it without permission. You have the "right" to "copy" it, and nobody else does.

Trademark law, OTOH, relies heavily on the rather fuzzier concept of "confusion in the marketplace". That is, if your real name were Arctic-Bear McDonald, and you started a restaurant called "McDonald's Restaurant", there is some likelihood that people might be confused and think it was somehow related to another hamburger restaurant called McDonald's, and the courts might well find that even using your own last name is an illegal violation of an existing and well-established trademark.

OTOH, if and you decided to open a restaurant called "A.B. McDonald's Haggis Bistro and Whisky Bar", then you might be in the clear, even though there is already a very well-known restaurant chain that owns an airtight trademark on the name "McDonald's", since it is less likely that anyone would confuse the two, depending on the particular circumstances.

With something like "Droid", it's not precisely "irrelevant" as you say that Lucasfilm created the word. What really matters is whether the word, in this context (i.e. smartphones), might be associated with or confused with the works of Lucasfilm. In this case, it probably most specifically applies to whether somebody might think that the phone is supposed to have some endorsement from or association with the robots and technology depicted in the Star Wars films and other creative works.

To the point, the onus is not on Lucasfilm to prove that "Droid" phones cause damages, Lucasfilm has only to prove that (1) "droid" is a relevant mark associated with their business, and, to a lesser degree, that (2) there is potential for "confusion in the marketplace".

Lucasfilm probably has a pretty decent claim on (1). They invented the word, and they've done a pretty good job, to my knowledge, of maintaining ownership of it-- I don't think it's a popularly-used word in any context outside the Star Wars franchise. (2) is the iffier part.

To illustrate, and continuing the above example of Arctic Bear Hot Dogs, here is a very easy way that you could lose trademark protection: First, make Arctic Bear Hot Dogs not a specific product, but a special recipe or method of preparation, for example, hot dogs marinated in BBQ sauce and wrapped in bacon. Next, share that recipe with everyone you know, serve it at backyard cookouts, and encourage people to call BBQ-bacon-wrapped hot dogs "Arctic Bears" (as opposed to calling them BBQ-bacon dogs or whatever). This approach might well help your business: by spreading and increasing awareness of the notion of "Arctic Bear Dogs", you could encourage more people to visit your own stand or buy your pre-made bbq-bacon dogs from the grocery-store freezer.

But by encouraging other people to make them, and to spread the word about the deliciousness of this method of preparation, you will have made "Arctic Bears" NOT a specific trademark for your particular product, but a generic descriptor for the type of hot dog preparation that you specialize in, much like "Boston Cream Pie", or "Pigs in a Blanket", or "Nachos" or anything else where there is a distinctive and hypothetically "trademarkable" name that instead generically describes a certain recipe or preparation... if you've been allowing or encouraging people to "spread the word" by grilling up Oscar Meyers dunked in Kraft BBQ and wrapped in Hormel bacon and calling them "Arctic Bears", then you've given up the right to trademark your own particular product under that name, and you'll probably have to settle for something like "The Original Arctic Bear".

With trademark, you can't have it both ways. For example, a company like Google might benefit tremendously by having phrases such as "Google it" become a generic term for "enter the phrase into an internet search engine". Even if some people "Google it on Bing", Google, Inc could still benefit by having their name and URL most closely associated with the process of "Googling". But if Google allows that kind of informal use to happen, then they lose the right to prevent Bing from putting a "Goggle it on Bing!" search box on IE. Google can either protect its trademark aggressively by insisting that published works etc use terminology such as "run a search on the Google search engine" or they can allow "Google it" to become a generic phrase for "run an internet search", but they can't have both. You can't "own the language" through trademark, in other words.

Bringing it back to the original point, Apple capitalized on the existing, centuries-old meaning and associations of the word "pod" when they first named the iPod. If they now want to claim trademark protection, their first hurdle is to prove that the product has sufficiently distinguished itself to warrant new recognition of an old, common, and generic word.

OTOH, Lucasfilm created a new word, "droid", as a shorthand that contributed to the revolutionary artistic vision of a "lived in" science-fiction world for the Star Wars films. Prior to Star Wars, sci-fi tended to be set in gleaming, highly-technical-looking sets with futuristic costumes and scientific lingo. Star Wars pioneered the modern "space truckers" aesthetic of a lived-in. arimv world where starship

insomniac84 -3 points 1 month ago [-]

Actually yes. If you create a word, you own it.

But of course if you allow it to spiral out of your control into common language, you lose it.

Suing in 2008 about using the word droid is of course way too late to be defending your ownership.

Band-aid still defends their made up word, and as long as they successfully defend it, they get to keep it.

[permalink](#) [parent](#)

Artic-bear 2 points 1 month ago [-]

Actually yes. If you create a word, you own it.

No you don't. You wish and you twist trademark law and sometimes you wind up with controlling it. But if you don't *use it as a trademark*, it isn't a trademark and there is no control of words outside of trademarks to speak of. So, no, you don't "own" a word just because you came up with it, however, you might control it if you use it in specific ways.

[permalink](#) [parent](#)

Nickoladze 3 points 1 month ago [-]

Speaking of that, Aspirin lost their trademark because everybody used it to describe any type of pain medicine.

[permalink](#) [parent](#)

insomniac84 1 point 1 month ago [-]

Exactly, if you fail to defend it's exclusive use by yourself, you lose it.

[permalink](#) [parent](#)

Makkaboosh 1 point 1 month ago [-]

From now on i own the word cobblamatomatoshoe. I will need 25\$ for every use.

[permalink](#) [parent](#)

Noexit 1 point 1 month ago [-]

What's it mean?

[permalink](#) [parent](#)

xauriel 1 point 1 month ago [-]

Someone who thinks they own words.

[permalink](#) [parent](#)

insomniac84 1 point 1 month ago [-]

Except band-aide is owned. You can downvote all you want. But reality does not change.

[permalink](#) [parent](#)

Benutzername 5 points 1 month ago [-]

Isn't droid just an abridgement of android?

[permalink](#) [parent](#)

revscat 2 points 1 month ago [-]

I find it a puzzling fact that we are accepting in the concept of word ownership. I understand it, just that it is fundamentally puzzling to me. "Droid" is a series of sounds, or symbols, used by people to communicate various ideas. Having elaborate legal mechanisms to presume ownership of *words*...

It's just retarded.

[permalink](#) [parent](#)

rkiga 6 points 1 month ago [-]

No trademarks means there's no reason to ever do anything of quality if somebody can just steal your name.

Hey have you heard the new Beatles album? No, not those Beatles, the sixth ones from Canada. They started their own label called Google Records. It's crap, but not as bad as the new Pepsi single. I was listening to it yesterday in my Ferrari mini-van while eating my Oprah cookies.

[permalink](#) [parent](#)

revscat 1 point 1 month ago [-]

I understand your point, and agree with it. There seems to be a threshold, however, where words move into the general vernacular (such as droid, or iPod, or kleenex), where enforcement of trademarks no longer promotes the general welfare, and instead artificially attempts to restrict the language itself.

We're not talking here about names of specific instances of things (The Beatles), but rather general classes (droids, pods). Trademarking the former is understandable and desirable; trademarking the latter is dumb and hinders the evolution of the language.

[permalink](#) [parent](#)

rkiga 1 point 1 month ago [-]

That threshold is when a court decides that a company has failed to defend its trademark.

You think Apple should just give up the iPod name because it somehow "promotes the general welfare" to do so? I don't have a very good business sense, but that makes absolutely no sense at all.

That's like when people expect drug companies to release their brands and go generic for the good of the people. Well then why the hell would a drug company ever want to research new drugs? Why spend billions researching a cure for AIDS if it's just going to be taken away from you once you find it? Why make a quality product if when it becomes popular you lose your trademark? Sorry Google, your name is worthless now, anyone can use it.

[permalink](#) [parent](#)

Daemonicus 1 point 1 month ago [-]

Kind of agree, however there could be a band called "The Beatles" and there would be no problem with that at all, as long as they weren't British. There are several bands with the same name releasing music, but have different countries of origin.

[permalink](#) [parent](#)

NikkIA 7 points 1 month ago [-]

No, they didn't, they *attempted* to trademark 'Droid' in relation to telecommunications. However, the application was suspended back in July, in other words 'no, you can't'.

Edit: rather than waiting for someone to say 'citation required'

[permalink](#) [parent](#)

timeshifter_ 3 points 1 month ago [-]

It was the droid Lucas was looking for.

[permalink](#) [parent](#)

drakethegreat 4 points 1 month ago [-]

It's a play on android that didn't exist until Lucas came up with it. I hate Lucas as much as the next guy but honestly you have to blame Motorola and Verizon for using it and paying royalties.

[permalink](#) [parent](#)

bageloid 3 points 1 month ago [-]

On the otherhand, them paying royalties means you can buy an R2D2 themed droid.

[permalink](#) [parent](#)

SarcasticMan 1 point 1 month ago [-]

Looks like I am the next guy, and I don't particularly hate Lucas.

[permalink](#) [parent](#)

CualEsMiNombre 4 points 1 month ago [-]

- Faceook trying to prevent people from using "ook"

ftfy

[permalink](#) [parent](#)

mahlzeit 3 points 1 month ago [-]

I don't think the librarian will like that.

[permalink](#) [parent](#)

Caraes_Naur 3 points 1 month ago [-]

Back in the '80s, Marvel Comics tried to copyright the letter X.

[permalink](#) [parent](#)

ozymandias359 3 points 1 month ago [-]

This is the example that leaps to mind. The "MIRRORS EDGE (a new game from)" cracks me up.

[permalink](#) [parent](#)

insanesage 3 points 1 month ago [-]

I guess next they'll sue everyone who uses "i". iFuckApple.

[permalink](#) [parent](#)

rkiga *comment score below threshold* [+] (14 children)

uglypopstar 2 points 1 month ago [-]

Katy Perry

[permalink](#) [parent](#)

NoSalt 2 points 1 month ago [-]

meaning?

[permalink](#) [parent](#)

uglypopstar 3 points 1 month ago [-]

<http://www.stylelist.com/2009/06/17/katy-perry-vs-katie-perry-one-confusing-lawsuit/>

[permalink](#) [parent](#)

NoSalt 3 points 1 month ago [-]

Wow ... thank you. I had no idea that had gone on. What a bitch!!!

This reminded me of Lindsay Lohan telling e-Trade that *she* owned the name Lindsay, and they owed her money because e-Trade's "Lindsay" was mentioned negatively in one of their commercials.

[permalink](#) [parent](#)

robeph 2 points 1 month ago [-]

Nissan.com

[permalink](#) [parent](#)

pork2001 37 points 1 month ago [-]

Jobs is an asspod. A storage container company has a registered trademark on the word 'pods'. I hope Steve never refers to multiple units of the iPod, because clearly, consumers will get confused over storage containers and storage units for music and alien organisms in Santa Rosa (Invasion of the Body Snatchers) and a social group of cetaceans and the Post Office Department of the United States.

[permalink](#)

required3 11 points 1 month ago [-]

Steve Jobs is coming! Invasion of the snotty bastard!

[permalink](#) [parent](#)

zwaldowski 2 points 1 month ago [-]

If you look carefully, Apple generally doesn't use the plural of their products in official advertising or communication. For example, you see "Everybody Wants iPod for Christmas," "Get iPhone Today," or "We've sold millions of iPad." Not that this changes this suit from being entirely retarded, but they're very careful so they can protect their trademarks more easily even if it's a common-sounding term.

[permalink](#) [parent](#)

Dhekke 34 points 1 month ago [-]

Shit like this, Steve... Shit like this...

[permalink](#)

mindbleach 2 points 1 month ago [-]

This isn't even a thing compared to his software rights abuses.

[permalink](#) [parent](#)

hong_kong_phooey 14 points 1 month ago [-]

Whales are going to be pissed.

[permalink](#)

seKer82 3 points 1 month ago [-]

Well I am sure Pod's A thru H will be alright with it.

[permalink](#) [parent](#)

BlackEyedFish 17 points 1 month ago [-]

Tripod makers are next

[permalink](#)

Thimble 11 points 1 month ago [-]

And Lucasarts for the pod racing.

[permalink](#) [parent](#)

jasonhaley 1 point 1 month ago [-]

and weezer for the lyrics: "Welcome to my pod"

[permalink](#) [parent](#)

knifebucket 4 points 1 month ago [-]

Dolphins will no longer be able to congregate...

[permalink](#) [parent](#)

diamondjim 2 points 1 month ago [-]

What about peas? Will nobody think about the peas?

[permalink](#) [parent](#)

Nikkia 2 points 1 month ago [-]

No, anyone calling their telecommunications device a 'phone' is next.

[permalink](#) [parent](#)

HardcoreSects 2 points 1 month ago [-]

Kraft is after that for making Mac & Cheese

[permalink](#) [parent](#)

the_index 8 points 1 month ago [-]

If it was a competing product, Apple's actions would at least have *some* merit. As it stands, it's completely frivolous. The fact that they're not the first to pull a stunt like this doesn't make that any less true.

Fortunately, they'll probably lose.

[permalink](#)

Daskinor 10 points 1 month ago [-]

Its cute how these legal arguments always appeal to levels of stupidity via 'confusingly similar' that are extreme. Along the lines of:

"Well your honor, the most incompetetant and moronic of people get confused really easily, ergo they confuse our product with a cheese grater, a large earth mover, and a delightfully crafted piece of tuscan furniture depending on the day of the week and the phases of the moon. Therefore everything is now illegal and infringing and you owe us all money now you naughty rapscallions you!"

How is it that the stupidest of people should dictate how society should be governed and what regulations exist? What a profoundly crazy way to calibrate a legal system.

[permalink](#) [parent](#)

Caraes_Naur 2 points 1 month ago [-]

Because 18-49 year old males isn't the real demographic they're selling to. It's the "anyone dumb enough to buy our shit" crowd.

[permalink](#) [parent](#)

HardcoreSects 1 point 1 month ago [-]

Ah, the coveted anyone-dumb-enough-to-buy-our-shit demographic. A surprisingly hard demo to crack.... crack... HEY, I have an idea!!

[permalink](#) [parent](#)

conundrumx 2 points 1 month ago [-]

Here we can see a typical computer elitist attempting to initiate a mating ritual we commonly refer to as a "circlejerk."

[permalink](#) [parent](#)

Vzzbxx 6 points 1 month ago [-]

Steve Jobs created the peapod.

[permalink](#)

Duuuuude 7 points 1 month ago [-]

Does this mean we can start calling iPod/Pad users "Pod People"?

[permalink](#)

redmongrel 3 points 1 month ago [-]

pod. pod pod pod pod pod pod pod.

[permalink](#)

schicki 1 point 1 month ago [-]

You can't day pod on an airplane!

[permalink](#) [parent](#)

mariox19 6 points 1 month ago [-]

Steve Jobs better never turn his back on the ocean.

[permalink](#)

Carambar 5 points 1 month ago [-]

I want to get the rights on the word "douche".

[permalink](#)

NipplesOfTheFuture 8 points 1 month ago [-]

Steve Jobs already owns the rights.

[permalink](#) [parent](#)

HardcoreSects 1 point 1 month ago [-]

You can trademark the name outsiders give to your customers?

[permalink](#) [parent](#)

AusIV 8 points 1 month ago [-]

This gets overblown every time a big corporation tries to protect a trademark.

This is how trademarks work. If you don't enforce your trademark and it becomes generic, you can lose your exclusive rights to it. Apple has asked the USPTO to review Sector Labs' use of the word *pod*. If they didn't, they could potentially lose their exclusivity to the iPod brand. If the USPTO finds in favor of sector labs, then Apple will be able to safely defend against any future claims that the term 'iPod' was made a generic term by Sector Labs' use of the word *pod*.

I believe Apple *could* appeal the USPTO's initial decision, but it seems unlikely that they would do so. They're trying to make sure that *they* don't lose exclusivity on their trademark. This isn't likely to turn into a drawn out legal battle.

[permalink](#)

Artic-bear 8 points 1 month ago* [-]

| This gets overblown every time a big corporation tries to protect a trademark.

How dare we oppose the appropriation of our language! What's next? We might get upset that existing technologies are patented or that broadcasters try to claim copyright when broadcasting public domain material?

Edit: This gets "overblown" when a big corporation derives its trademark from a generic word and tries to protect protects against the "misuse" of the original word instead of the trademark as such.

[permalink](#) [parent](#)

AusIV -1 points 1 month ago [-]

You've missed my point entirely. Apple isn't necessarily trying to prevent Sector Labs from using the term pod. They're trying to make sure that Sector Labs use of the word pod won't lead to 'iPod' become a generic term.

[permalink](#) [parent](#)

Artic-bear 4 points 1 month ago [-]

Practical difference being?

| Apple has filed an 873-page briefing paper to the court laying out its claim to exclusive use of the name.

Is that overblown by BBC?

| Sector Labs is one among many tech firms that Apple has taken on because they have used the word "pod" in product names.

Not iPod®. How again, is Apple® not trying to restrict the usage of the word "pod"?

[permalink](#) [parent](#)

T-RexInAFridge 1 point 1 month ago [-]

I just want to know how you get 873 pages on this topic. Did they just have 100+ lawyers write an 8 page brief, and then when they brought them together to their boss he just said fuck it I don't want to read all this make a big pile and we will send it in for someone else to read.

[permalink](#) [parent](#)

diamondjim 1 point 1 month ago [-]

How did a T-rex get inside a fridge?

[permalink](#) [parent](#)

T-RexInAFridge 1 point 1 month ago [-]

Because all four tires popped on my mother's coffee table while I was searching for the bones in my ice cream.

[permalink](#) [parent](#)

AusIV -1 points 1 month ago [-]

| Is that overblown by BBC?

In the sense that they say it was sent to a court, yes. It was submitted for review to the USPTO. I've read several other articles about this case, and the BBC one is the first I've seen to mention court. As far as the 873-page briefing, I suspect that's overkill caused by Apple having too many lawyers sitting around getting paid to write legal briefings. The fact that it's comprehensive doesn't necessarily mean they're ramping up for a big battle.

| Not iPod®. How again, is Apple® not trying to restrict the usage of the word "pod"?

Protecting trademarks isn't just about protecting the exact trademark, but also about things that are confusingly similar. Certainly, I think if someone else started marketing an ePod music/video player, there would be a good case that it was confusingly similar.

This case is a bit further from 'iPod' than that example, but the trademark is still close enough to warrant having the USPTO review it. If the review favors Sector Labs, then apple has nothing to worry about. If the review favors Apple, then that means theirs a decent chance Sector Labs' trademark would have threatened Apple's trademark in the future.

[permalink](#) [parent](#)

Artic-bear 2 points 1 month ago* [-]

So, with all of that in mind, the practical difference between "trying to control the use of a common word" and "trying to protect your trademark (that is confusingly similar to the word to begin with) from future uncertainties" is? If there is no practical difference, then discussing what exactly they are doing is pointless, as *effectively* they are doing the former as well.

To put it in your terms. We aren't *necessarily* concerned with Apple® trying to prevent iPod® from becoming generic. We just want to retain the right to market pods that aren't iPods as pods without calling them iPods.

[permalink](#) [parent](#)

denmoff comment score below threshold [+] (0 children)

denmoff 3 points 1 month ago [-]

i'm sick of seeing these types of posts. Every major corporation has these trademark legal battles. They're nothing new. It's not about a company trying to take over a word. It's about lawyers doing their job. They have to protect their trademark. If a company doesn't do this, they stand the risk of losing their copyright on their product and then anyone can start using their brand name. It's just legal bullshit that has nothing to do with the corporation.

[permalink](#)

Ingrout 5 points 1 month ago [-]

That's what the lower arrow is for.

[permalink](#) [parent](#)

Enzor 2 points 1 month ago [-]

Well, I think having these articles occasionally make wake people up to the madness that IS the legal system these days.

[permalink](#) [parent](#)

raydeen 3 points 1 month ago [-]

If I patent the word 'cunt' does that mean Steve has to pay me for being one himself?

[permalink](#)

flyponix 2 points 1 month ago [-]

I wonder how much Apple spends on lawyers per year?

[permalink](#)

fani 2 points 1 month ago [-]

This is sad. Apple should have rights over iPod and its other products, but not parts of its name. That piece is just fucking series of alphabets in a string in an order.

So, if someone makes a product called "Super Phone"... can apple still sue them ?

Pod is a pod. Personal On Demand content. Apple doesn't own "pod".

Note to Steve Jobs - "You're doing it wrong"

[permalink](#)

M0b1u5 2 points 1 month ago [-]

Google Translation service to the rescue again!

Apple announces that after a long battle with mental illness, it has finally gone completely fucking insane

[permalink](#)

TomNomNom 2 points 1 month ago [-]

Line 6 released their "POD" in 1997. ~4 years before apple released the iPod. Maybe they should get in on the action.

[permalink](#)

Nickerz 0 points 1 month ago [-]

Came here to post this.

[permalink](#) [parent](#)

obvioustroll 2 points 1 month ago [-]

Guess what - they did.

<http://www.cultofmac.com/strung-out-apple-loses-pod-trademark-down-under-to-guitar-co/8725>

[permalink](#) [parent](#)

maxmtrx 1 point 1 month ago [-]

Att used the same argument against verizon: "Our consumers are too dumb to know the differences between our products"

[permalink](#)

imbcmdth 2 points 1 month ago [-]

As an AT&T customer, I can confirm that their claim was actually true.

[permalink](#) [parent](#)

conundrumx 2 points 1 month ago [-]

Actually you're on Verizon.

[permalink](#) [parent](#)

The-Dudemeister 2 points 1 month ago [-]

And they will lose to pods.com

[permalink](#)

obvioustroll -3 points 1 month ago [-]

And you fail to understand how trademarks work.

1) Apple has no claim against pods.com because Apple is not a moving company.

2) Guess what pods.com would do if another moving company tried to use the word "pod" in their marketing materials?

[permalink](#) [parent](#)

The-Dudemeister 4 points 1 month ago [-]

And you fail to understand the subtle commentary I was making on the subject, which was that ipod != pod. Just because microsoft sells a product called an xbox, doesn't mean they can smackdown anyone who makes a product with the word box somewhere in the name.

[permalink](#) [parent](#)

xauriel 2 points 1 month ago [-]

Civil law really ought to have a 'that's fucking ridiculous' defense. What's Latin for 'that's fucking ridiculous'?

[permalink](#)

slurpme 1 point 1 month ago [-]

"What I'm hoping to do with this case is to really reach a lot broader an audience and make it so entrepreneurs and small businesses can use the English language as they see fit in branding their products,"

I love the smell of lawyer bullshit in the morning...

[permalink](#)

DeFex 2 points 1 month ago [-]

Sue mother nature and the "pea" effin stupid. imagine if Blizzard sued for using the word "craft" after another word game title. it is ridiculous.

Only apple can get away with this crap, next thing they will be patenting "using a resistor connected to a capacitor in a circuit"

[permalink](#)

ordinaryuser 2 points 1 month ago [-]

Apple has no grounds, Pea has used pod since the beginning of peas.

[permalink](#)

striker_kk 1 point 1 month ago [-]

Oh Steve, ever heard about Freedom?

[permalink](#)

sto79be *comment score below threshold* [+] (5 children)

AnnArchist 0 points 1 month ago [-]

Good luck with that..

[permalink](#)

obvioustroll 1 point 1 month ago [-]

I'm sorry, but this really is a fairly clear case of trade mark infringement. The company in question sells a "video pod". Apple has sold "video ipods" for many years.

It's not like they're suing a school for using an apple in their logo....

[permalink](#)

infinityprime 0 points 1 month ago [-]

quick quick we need a new term for a pod of narwhals.....

[permalink](#)

HardcoreSects 1 point 1 month ago [-]

how about a "pippin" of narwhals?

[permalink](#) [parent](#)

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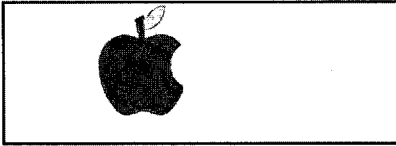
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The Apple Bites



Apple has gone on trial to stop the word 'Pod'

Posted on 27. Sep, 2010 by [akum](#) in [News](#), [apple](#), [ipod](#)

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Hello there! If you are new here, you might want to [subscribe to the RSS feed](#) for updates on this topic.



The latest news about Apple is that the company has gone to trial to stop a start-up using the word 'pod' in a product name. The legal issue occurs when a San Francisco-based Sector Labs' use of the name 'Video Pod' for the video projector it is developing. Today, Apple will filed an 873-page document with the US trademark appeals body outlining why it should have sole rights to 'pod', according to reports.

Few years back, Apple has launched its challenge as the Sector Labs which has use the word would cause confusion among consumers.

According to reports, the legal dispute centers on San Francisco-based Sector Labs' use of the name 'Video Pod' for the video projector it is developing. On Monday, Apple filed an 873-page document with the US trademark appeals body outlining why it should have sole rights to 'pod'.

Sector Labs which has a history of legal actions over the use of 'pod' and other trademarks. Labs sells a temperature-sensitive light for kitchen taps and has spent the past three years defending its product name against Apple.

Apple will be filling today and which will become the first stage in the trial. It seems that everything conducted will be entirely on paper. Like Apple, Sector Labs also has 30 days to gather its evidence and is scheduled to file its testimony by 18 November. The USPTO tribunal make its decision after receiving all submissions, the last of which is expected in January 2011.

[Via]
<http://www.zdnet.co.uk>

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Exhibit SL18



APPLE IN 873-PAGE LEGAL CLAIM TO WORD 'POD'

Apple really, really, really wants exclusive rights to the word "Pod," in names for tech products, the company has argued in an 873-page legal brief filed earlier this week.

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Anonymous Coward

2001... #

Posted Monday 27th September 2010 10:33 GMT

Will require dialogue be re-dubbed. Obviously they can't say "open the p*d-bay doors since those p*ds are representative of technological devices.



Adair

United we stand... #

Posted Monday 27th September 2010 10:33 GMT

It's about time 'the world' told these trolls and chancers (however 'respectable' they may be), to FOAD, unless they can make a genuine case for loss of income or some other tangible loss.



Jaitch

Where's the problem? #

Posted Monday 27th September 2010 10:34 GMT



Any word in any dictionary on the date of a claim should fail automatically.

This would protect words like Exxon, Taligent, Enron easily whilst Jobs can have his iPod but not prevent anyone else incorporating the word 'pod' into their products.

The problem is unique to the American legal system and obviously requires updating.



Tempest

I like this. Bye, Bye Apple? #

Posted Monday 27th September 2010 14:26 GMT



Apple is a common usage word for a fruit that grows on a tree.

Next Apple, the company, will be suing cider distillers, fruit orchard people AND living up to their competitors name of CRAB

Apple!



Evil Genius

Birdseye #

Posted Monday 27th September 2010 10:35 GMT

"Fresh as the moment when the (rain/west) ..."

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APPLE IN 873-PAGE LEGAL CLAIM TO WORD 'POD'

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ShaggyDoggy

Prior art

Posted Sunday 26th September 2010 00:25 GMT
Sorry Mr Jobs these started in 1976
www.pod-footwear.com



Pascal Monett

Why is there even a debate about this ?

Posted Sunday 26th September 2010 00:25 GMT



If it's in the dictionary, then YOU CANNOT CLAIM ANYTHING ON IT !!
If it's not clear, then give me the whip and I'll make it clear to you in no time.



henryddd

Why is there even a debate about this ?

Posted Monday 27th September 2010 10:35 GMT



However, the word "pod" is in the dictionary and apple thinks it can copyright that!



trachycarpus

overkill

Posted Sunday 26th September 2010 00:25 GMT
And what do we call Dolphins as well.



Antti Roppola

floating Jobs

Posted Sunday 26th September 2010 00:25 GMT
Will Steve sue citing confusing similarity about the Jobs floating in my loo?



James O'Brien

Sod off crApple

Posted Sunday 26th September 2010 00:25 GMT



873 PAGES TO SHOW THEY DESERVE THE WORD??

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TOP TEN RETRO PC GAMES



APPLE IN 873-PAGE LEGAL CLAIM TO WORD 'POD'

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Anonymous Coward

OmniPod?

Posted Friday 24th September 2010 21:34 GMT



Wonder if they'll take on medical technology like OmniPod (a tubeless insulin pump). That'd be a fun showdown to watch.



b ws

This is why

Posted Friday 24th September 2010 21:34 GMT

there needs to be an open season on lawyers.



JimmyJames

Great! Except...

Posted Sunday 26th September 2010 00:24 GMT



... when you need one for driving offences, divorce settlements, false arrest, contracts with unscrupulous clients, or for defending a copyright infringement suit for using someone's IP in your website or publication.

Where is the Ouroboros icon?



sT0rNG b4R3 duRiD

Lawyers...

Posted Sunday 26th September 2010 00:24 GMT



It is time I think to think of reasons why we have a legal system. I would have thought that the reason law exists is to protect the weak and persecuted, to ensure fair hearings and ensure wrong doers are prosecuted.

Idealistically I would think that a lawyer should strive to some sense of goodness and fairness.

If you are a true lawyer, please see this for what it is. A (very) dominant company trying to intimidate and step on so many others. To control language itself in quite a very real way.

I don't know who Apple's lawyers are but I am pretty sure they do not have conscience. If you happen to be one of them, I spit on you metaphorically. I have no respect for you. You give lawyers a bad name.

People like you make all of us out there come up with statements above. My own feeling is you should all be put out in a boat far to sea and said boat sunk.

You are indeed the lowest form of life. Mainly because you have a choice on how to wield your power and influence and you choose this.

FAIL.



penguin slapper

No.

Posted Sunday 26th September 2010 00:27 GMT

This is why there needs to be an intelligent evaluation of IP Law.



Robert E A Harvey

Leftpondian bo**cks

Posted Monday 27th September 2010 12:44 GMT



I can't imagine a judge in England, or France for that matter, taking any longer over this than the time it takes to laugh.

People who live in a country where this can even be taken seriously long enough to start an action need to have a word with their politicians.



b ws

However

Posted Monday 27th September 2010 12:54 GMT

Copyrighting the phrase "S Jobs, Steve Jobs or Steven Jobs" and then charging him \$20,000 for each reference could have its merits... Maybe I could find some sleazy bag lawyer to work on percentage?



Stone Fox

the rules...

Posted Monday 27th September 2010 13:38 GMT



NEW REGULATIONS FOR THE HUNTING OF LAWYERS

US Government Department of Fish and "WildLife"

Sec. 1200

1. Any person with a valid hunting license may harvest attorneys.
2. Taking of attorneys with traps or deadfalls is permitted. The use of currency as bait is prohibited.
3. Killing of attorneys with a vehicle is prohibited.
If accidentally struck, remove dead attorney to roadside and proceed to nearest car wash.
4. It is unlawful to chase, herd, or harvest attorneys from a snow machine, helicopter, or aircraft.
5. It shall be unlawful to shout "whiplash", "ambulance", or "free Perrier" for the purpose of trapping attorneys.
6. It shall be unlawful to hunt attorneys within 100 yards of BMW dealerships.
7. It shall be unlawful to hunt attorneys within 200 yards of courtrooms, law libraries, warehouses, health spas, gay bars, ambulances, or hospitals.
8. If an attorney is elected to government office, it shall be a felony to hunt, "entrap", or possess it.
9. Stuffed or mounted attorneys must have a state health department inspection for rabies, and vermin.
10. It shall be illegal for a hunter to disguise himself as a reporter, drug dealer, pimp, female legal clerk, sheep, accident victim, bookie, or tax accountant for the purpose of hunting attorneys.



Wommit

Yes.

Posted Monday 27th September 2010 16:28 GMT



98% of lawyers give the rest a bad name.



Vulch

Paging Mr Tracy #

Posted Friday 24th September 2010 21:34 GMT



Those things you carry with Thunderbird 2, there's a Mr Jobs wants you to rename them.

After all, what's techier than International Rescue?

Thunderbirds are...



Destroy All Monsters

Weapons pod #

Posted Friday 24th September 2010 21:35 GMT



"What I'm hoping to do with this case is to really reach a lot broader of an audience and make it so entrepreneurs and small businesses can use the English language as they see fit in branding their products"

I'm sure an Armalite 15 would reach that goal far quicker than a doing the "case" song-and-dance.



ShaggyDoggy

Apple #

Posted Friday 24th September 2010 22:05 GMT

Apple would have my sympathies at all if they hadn't reneged on their promise not to use the word Apple in connection with the music industry,

Glass houses, stones, etc.



Anonymous Coward

No sympathy from this corner either #

Posted Sunday 26th September 2010 00:24 GMT



Apple didn't bother to respect others product names when they released the iPhone, despite several companies having products by that name.



Anonymous Coward

They didn't #

Posted Sunday 26th September 2010 00:27 GMT



The promise was not that they wouldn't use the name Apple in connection with the music industry. It was that they wouldn't use it in connection with music publishing, which they don't.



jackofshadows

They did. #

Posted Monday 27th September 2010 12:29 GMT



If distributing music via the internet isn't an acknowledged form of publishing, I don't know what isn't! Ever here of Web Publishing? An accepted form of free press (unless you are a blogger who keeps scooping the supposed pro's) by mass media. That has to do with words and images but we also see videos and 'pod casts' as a form of publishing. Ergo, it should be acknowledged that distributing music (or video!) is also publishing.

BTW, I wonder when the term Pod-Cast will get its day in court?



bobbles31

Only in this to the letter legal lawyer filled world... #

Posted Monday 27th September 2010 13:19 GMT



would someone with a straight face try to draw a distinction between music publishing and iTunes. iTunes "Publishes" music on the Internet. Ergo, Apple used their company name to publish music. iTunes would not have

taken off, Apple's iTunes was always going to take off.



Gary F

100's of pod companies for apple to take a bite of #

Posted Friday 24th September 2010 22:38 GMT



On the FIRST page of a Google search I found these businesses with "pod" in their name. They have NOTHING to do with the iPod or similar gadgets:

POD Food

The Pod Company

POD (Payable On Death, American metal band, 1992, still going)

Pod Exhibition Systems

The Pod Site

Hov Pod

Join The Pod

There must be 100's more, maybe 1000.

Apple - s*d off. Greedy corporate.



Anonymous Coward

Surely... #

Posted Sunday 26th September 2010 00:25 GMT



You mean Jobs can pod off ;-)



CD001

Line6 #

Posted Monday 27th September 2010 13:42 GMT

The excellent range of POD Guitar FX processors!



biandewei

Might Don't Make Right #

Posted Friday 24th September 2010 22:38 GMT

Might don't make right, Mr. Jobs. You already ruined the word 'apple' for me. Leave bad enough alone.



JMB

Apple in 873-page legal claim to word 'Pod' #

Posted Friday 24th September 2010 22:53 GMT

Is "Pad" next?



Shonko Kid

Don't be ridiculous. #

Posted Sunday 26th September 2010 00:24 GMT



It'll be 'Phone' :-/

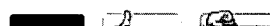


I Like Heckling

Is "Pad" next? #

Posted Sunday 26th September 2010 00:27 GMT

I think Apple would have a hard time convincing anyone that word 'pad' is in anyway only attributed to them... can anyone else "think" of a product from IBM for example. :)



dct

title #

Posted Sunday 26th September 2010 00:27 GMT

Nope - Phone.



b ws

I'm sure #

Posted Monday 27th September 2010 12:54 GMT

that Kotex and Stayfree will have something to say about that... However, I think they could argue that Apple have encroached on some of their service or trade marks with the release of the iPad.



Anonymous Coward

pad? #

Posted Monday 27th September 2010 14:10 GMT



That will be a sad day for feminine hygiene product manufacturers .



JMB

Apple in 873-page legal claim to word 'Pod' #

Posted Friday 24th September 2010 22:54 GMT

Does that mean we can no longer talk of pea pods?



Anonymous Coward

abc #

Posted Sunday 26th September 2010 00:24 GMT



What about poppy pods??



Asiren

What about the dolphins? #

Posted Monday 27th September 2010 16:36 GMT



Will gatherings of dolphins be forbidden?



Leeroy

POD #

Posted Sunday 26th September 2010 00:24 GMT

Oh no i hope they leave Jenny Frosts POD alone :)



Lars

Not the iMan behind this #

Posted Sunday 26th September 2010 00:24 GMT



It must be all the lawyers who are taking command like they tend to do when the carcass is big enough. Not much hope for a life at Apple after the iMan.



Stephen W Harris

Other technical uses of pod #

Posted Sunday 26th September 2010 00:24 GMT



Escape pod, cargo pod, transporter pod (eg Space 1999), OMS Pod (Space Shuttle), POD (perl Plain Old Documentation).

Also been used to describe a workstation environment ("work pod").

If memory serves, Decca 20 detachables had a "pod" in the middle of them

if memory serves, Pision 3a datacables had a pod in the middle of them.

There's so much prior art that it probably took 873 pages to sufficiently define the usage Apple want to lock down so that existing usage from decades ago isn't relevant!



Anonymous Coward

Pod People

Posted Sunday 26th September 2010 00:24 GMT



Probably a good description of iFans. There are a lot of tech-related things that use 'Pod', I doubt that His Jobsiness will get exclusive use for this. I think there's even a "Virtual Pod" or something for VR games.



uninventiveheart

Why stop there?

Posted Sunday 26th September 2010 00:24 GMT



Why can't Apple trademark vowels why they're at it? Anything "e-" or "i-" anything could get Jobs money.

Seriously... anything less than three letters which can be combined into a larger word could let Apple sue them out of existence. (Consider the Spanish infinitive "poder" and all of it's conjugations.) Unless the USPTO has a top bureaucrat under the table of the Apple Board of Directors (use any visual image you like), this won't happen at all.



kissingthecarpet

Nothing to do with patents

Posted Monday 27th September 2010 10:35 GMT



is it? So why speak of the USPTO? You even mentioned trademarking in you first paragraph.



Kit-Fox

Prior Art anyone???

Posted Sunday 26th September 2010 00:24 GMT



As I recall from my days play the battletech games, that there was a 'pod' in use at various VR locations across the world that you could sit in and gave you the immersed feeling of actually being inside the cockpit of a mech.

I recall they used the word pod in their name, perhaps the company that made them could remind apple that they werent the first to use the word pod in their products in the technology world & as such have no rights to stop anyone else from using it.

Or is that just too much common sense to expect from the legal profession??



Mr Mark V Thomas

Re: VWE "Battletech Pods"

Posted Monday 27th September 2010 12:17 GMT

Virtual Worlds Entertainment used the term "pods" in their literature for their versions of Battletech & Red Planet Mars...

(Red Planet Mars was a racing game based on a colonised Mars, developed by bored miners, using "kitbashed" racers, & featured "Wierd AI" Yankovich in the introductory video, as a underground race organiser).

The Tesla 2 pod system was used at the only VWE arcade that I knew of (The Trocadero Centre in Central London), though they were considering upgrading to the Tesla 3 pod system before a series of floods took it out (as well as the Alien War attraction, & the rest of the basement)...

The most notable feature of the VWE arcade, apart from the leather sofas (it was finished out as a "Victorian Gentlemen's Club" style wise) was it had a functioning bar (for a while, the only one in the Trocadero)...



Dr_Jim

Apple patents Oxford English dictionary????

Posted Sunday 26th September 2010 00:24 GMT

I think Apple may be over-reaching a little on this!

There is prior usage of the term pod in the computer industry. Going back to 1984, HP had a calculator pod used to connect external devices. I reference <http://oldcomputers.net/hp75.html> for details on the HP75D.

There is also a usage in <http://www.ce.berkeley.edu/~glaser/documents/SSS%20terrascope.pdf>

Here a 2inch by 4 inch pod is used.

Most appropriately, I believe Frederic Pohl, the famous SciFi writer, may (like Arthur Clarke with satellite TV) lay claim to conceiving the iPod. I quote "Each Heechee carries a microwave emitter in a storage pod between his or her legs. The pod is a trapezohedron shaped device and is also used for carrying equipment. The pods also explain why the seats on the ship have V-shaped indentations to accommodate the devices." (This is from the Heechee page on Wikipedia) I think this one may go back to 1972 or earlier!

Mr Jobs may be dancing in a minefield with this idea!



Big Al

Which way...

Posted Sunday 26th September 2010 00:24 GMT



... to the escape pod?



John Angelico

Prior Art...?

Posted Sunday 26th September 2010 00:24 GMT



[Dave Bowman] HAL, open the pod bay doors please.

[HAL9000] I'm sorry Dave but I can't do that.

And let Apple face the consequences as expensively as possible.



rahul

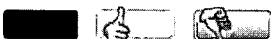
Censored by Jobs...

Posted Sunday 26th September 2010 00:24 GMT



... So there I was, sitting in my bachelor p**, enjoying a juicy, shiny red a****. While I was grooving to my latest t****, along came my health-nut girlfriend, saying I should really be eating peas freshly split from the p**s. Just then, I received a p**** call from the boss at my w***place, who wanted to know why the video d** that he had asked for a client was not ready yet. I logged on to the w** and fired up my c*** client, but since my contact was not online, I sent an e-m*** instead. I got a reply while watching a m**** starring Bruce Willis on my t*, but when I clicked on the attachment i***, all I could see was a still p****graph. I double checked that there was no problem with my O*, and then I even checked the b***** disks, but no go. I then tried to take control of my office computer using r***** d*****, and sy** my folders, but inspite of having it finish in real q**** t***, as well as using a t*x* ed**or to manually check the list of folders, I was not able to retrieve my wo**. After checking my ****endar, I realized there was no way I could finish up unless I used a t*** m*****. I told my boss, who was wild, and booked my on a one way s***** back to b**tc**p.

(This document edited to omit possible and/or probable references to the following Apple (TM) products: iPad, Apple, iTunes, iPod, iPhone, iWork, iDVD, iWeb, iChat, Apple Mail, iMovie, Apple TV, Icon Composer, iPhoto, iOS, Apple Backup, Apple Remote Desktop, iSync, QuickTime, TextEdit, iWork, iCal, TimeMachine, Safari and BootCamp. Other words and phrases may or may not belong to Apple Inc, now or in the future. Trademarks belong to original holders.)



Tom 35

Another company that need a kick is...

Posted Sunday 26th September 2010 00:24 GMT

Monster maker of vastly over priced cables who goes after anyone



monster, maker of vastly over priced cables who goes after anyone who uses Monster in their name.



henrydddd

why not? #

Posted Sunday 26th September 2010 00:24 GMT



Perhaps he should try to copyright every word in the dictionary with the letter "i" in it while he is at it.



kissingthecarpet

Not anything to do with copyright either #

Posted Monday 27th September 2010 12:28 GMT



is it? Its about Trademarks! Not patents or copyrights or prior art. Even if Apple trademark every bleedin' word and character in existence, you'll only not be allowed to start a company or sell a product with the same or similar name. You can still use the fucking words in normal speech and writing. This sort of legal action is bad enough without confusing it with other bad legal actions.



Cunningly Linguistic

ISTR... #

Posted Sunday 26th September 2010 00:24 GMT



William Gibson's Johnny Mnemonic stealing an "ipod" from an electronics workshop in the 1995 eponymous film.

I wonder how long before that Gibson had used that name in an electronics sense. Maybe in his 1981 short story of the same name?

Perhaps he should be suing Apple?



Deadly_NZ

Pod #

Posted Sunday 26th September 2010 00:24 GMT



The Original receptical for Peas..

ie: 2 Peas in a Pod

A pod of Killer Whales.



Graham Lockley

Well that explains it #

Posted Sunday 26th September 2010 00:25 GMT

'Open the pod bay doors HAL'

'I'm sorry Dave, Apple wont let me do that'



John Tserkezis

JMP @ Is "Pad" next?JMB #

Posted Sunday 26th September 2010 00:25 GMT

It's already been done:

http://www.theregister.co.uk/2010/04/13/jobs_claims_pad_trademark/

Perhaps he should take "fanboi" and be done with it. After all, it's his idiot fans that keep buying all this pod and pad rubbish.



This post has been deleted by its author

Dave Foster

BBC Game #

Posted Sunday 26th September 2010 00:25 GMT

Don't forget the old BBC computer game 'Pod'.



Original URL: http://www.theregister.co.uk/2010/09/24/apple_pod_row/

Apple in 873-page legal claim to word 'Pod'

For Jobs i's only

By **Dan Goodin in San Francisco**

Posted in Music and Media, 24th September 2010 20:37 GMT

Free whitepaper – The Register Guide to Enterprise Virtualization

Apple really, really, really wants exclusive rights to the word “Pod,” in names for tech products, the company has argued in an 873-page legal brief filed earlier this week.

Steve Jobs & Co submitted the voluminous document in a dispute with Sector Labs, a startup that's developing a projector called the Video Pod, *Wired.com* reported [1]. *The Reg* has been unable to confirm this because the filing (PDF, we're told) [2] was evidently more than the Patent and Trademark Office website could bear.

Apple is reportedly arguing that a video projector with the word “Pod” in its name would cause confusion with its own iPod products. Apple has a long history of attacking tech companies that use the name, going after MyPodder, TightPod, PodShow and Podium. And, of course, one can't forget the company's threats against the iPod, a small spade used by Aussie campers to bury their shit [3]. But according to *Wired.com*, Sector Labs is the only outfit to take Apple on.

The dispute is scheduled to go to trial over the next month.

A lawyer representing Sector Labs tells the publication there's a growing trend of dominant tech firms trying to assume ownership of ordinary words. A trademark infringement suit Facebook filed against a company called Teachbook is one example.

“What I'm hoping to do with this case is to really reach a lot broader of an audience and make it so entrepreneurs and small businesses can use the English language as they see fit in branding their products,” she says. ®

Links

1. <http://www.wired.com/gadgetlab/2010/09/apple-goes-to-trial-with-startup-over-pod-trademark/>
2. <http://ttabvue.uspto.gov/ttabvue/ttabvue-91176027-OPP-62.pdf>
3. <http://www.reghardware.com/2010/07/22/ipood/>

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From iPhone to iOS – Apple nabs (another) Cisco handle (7 June 2010)
http://www.theregister.co.uk/2010/06/07/apple_nabs_ios_name_from_cisco/
Steve Jobs: 'Pad? That's *my* word' (13 April 2010)
http://www.theregister.co.uk/2010/04/13/jobs_claims_pad_trademark/
Fujitsu: 'iPad? That's ours' (29 January 2010)
http://www.theregister.co.uk/2010/01/29/fujitsu_ipad/

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Exhibit SL19

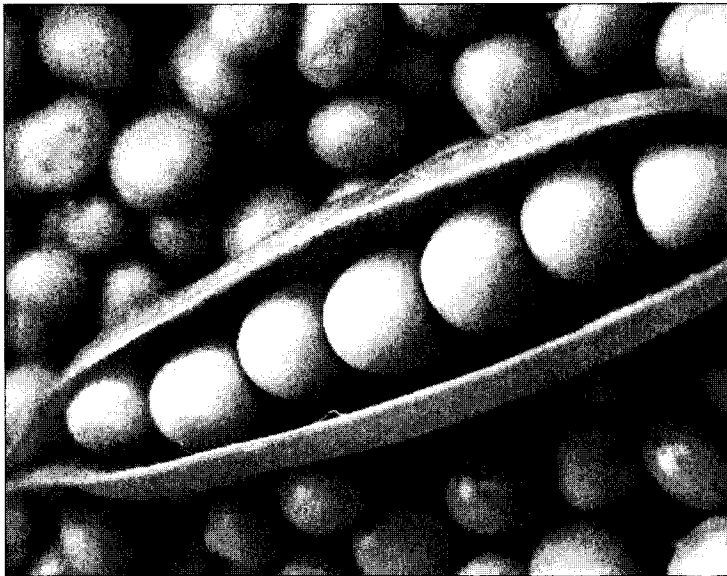


Published by Greybeard on Monday, 27th September 2010

Apple in dispute over word 'pod', tech companies and pea farmers beware

The news today from the folks at Apple seems to be the latest in a line of "I'm the playground bully give me all your lunch money" style of small company shake-downs. An Australian start-up, Sector Labs, has ignited the ire of Steve Jobs by daring to include the word 'pod' in the title of a product it has been working on since 2000. Sector Labs' video projector, entitled the Video Pod, bears no resemblance whatsoever to any Apple device and yet Steve Jobs is worried it might lead to confusion.

It isn't like this hasn't happened before but now Apple has filed an 873-page briefing paper to the US Patent Office to officially make the word pod its own. If Apple wins it surely won't stop there as in time it would seem the humble 'i' could also become endangered, not to mention 'apple' itself.



The Pea Pod, Apple's next victim

With a spoilt child attitude that's sure to make even Apple fans blush this is a good example of the company going too far, especially when it isn't a word it invented. So fair enough, George Lucas invented the word Droid and now owns it but even he was good enough to let Motorola use it for their phones. In the past Apple have gone after other brands such as Apple (the record label created by The Beatles) and were said to be quarrelling with British broadcasting company ITV over their iTV service which was eventually named Apple TV.

Both parties, Apple and Sector Labs, have until October 18 to gather evidence which if it includes proof of Apple being a bunch of jerks shouldn't be hard.

"What I'm hoping to do with this case is to really reach a lot broader an audience and make it so entrepreneurs and small businesses can use the English language as they see fit in branding their products" said Sector Labs' Lawyer to [Wired](#).

In a few years watch out for a new version of The Bible which sees Eve picking an Orange from the tree in Eden.



The second part of an interview SoupDog did with Noble



SoupDog got to chat with Fringe Star John Noble at London. (Pt 1)

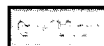


SoupDog chats to Ron D. Moore about Cylon tech when is Caprica coming back?

MOBILE BROADBAND



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Exhibit SL20



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Apple in legal battle over the use of "pod"



Brody McKee

25 September 2010 - 03:09

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Apple isn't afraid of taking legal action against anyone that uses a term that they believe may cause some confusion amongst consumers. Whether you're using the letter "I", a logo with an apple (as with this [Australian Supermarket](#)), the word "pod", or any other term that Apple considers their property, you'll probably end up in court.

The [BBC reports](#) that Sector Labs, the developer of a video projector called the 'Video Pod', are Apple's latest target. To help explain their case, Apple has filed an 873-page briefing [paper](#) which explains why Apple has exclusive domain over the word "pod". Sector Labs plans to fight Apple on this case, not because they need the name, but instead because they believe that Apple's attempt to control the use of English words in branding is wrong. Additionally, as Sector Labs' product is a video projector, a product that is not in any way competing with Apple's product range (especially not the iPod), it's hard to see why Apple raised issue with this to begin with.

It's often overlooked by the press that all of this legal action is coming from a company that announced the iPhone before even asking Cisco for permission to use that name, and launched a [music store](#) under the Apple brand in contradiction to their deal with Apple Music. That's the very definition of the pot calling the kettle black.

Tags:

- [Apple](#)
- [Legal](#)
- [Pod](#)

Comments (114)

1.



[+/- Razorfold](#) - 25 September 2010 - 03:11

/face-****ing-palm

2.



[Ci7](#) - 25 September 2010 - 03:14

also iOS is patented name for cisco routers ☹

3.



[darthmarth37](#) - 25 September 2010 - 03:30

Ci7 said,

also iOS is patented name for cisco routers ☹

You're right. That's why Apple licensed the name from [Cisco](#). ☺ http://blogs.cisco.com/news/co...agreement_on_ios_trademark/

4.



dogmai79 - 25 September 2010 - 04:59

Ci7 said,
also iOS is patented name for cisco routers ☹

It's actually just the OS running on them isn't it? I'm not trying to be an ass. Just a question.

5.



hdood - 25 September 2010 - 08:49

dogmai said,

It's actually just the OS running on them isn't it? I'm not trying to be an ass. Just a question.

Yes, it's a trademark (not a "patented name") for an OS that runs on some of their products.

6.



asdavis10 - 25 September 2010 - 20:47

darthmarth37 said,

You're right. That's why Apple licensed the name from Cisco. ☹ http://blogs.cisco.com/news/co...agreement_on_ios_trademark/

+1

7.



Jonny Wright - 26 September 2010 - 11:33

Ci7 said,
also iOS is patented name for cisco routers ☹

+ 21

8.



*neufuse - 25 September 2010 - 03:16

seriously?..... how long until Apple tries to say the word phone is theirs also because the iPhone is so widely known and sues all phone mfg's?

9.



M Lyons10 - 25 September 2010 - 03:26

neufuse said,
seriously?..... how long until Apple tries to say the word phone is theirs also because the iPhone is so widely known and sues all phone mfg's?

HAHAHAHA



10.

Tha Bloo Monkee - 25 September 2010 - 03:18

Ridiculous. Buying Apple products supports garbage like this, which is the sad part.



11.

ataris_kid - 25 September 2010 - 03:33

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

+1



12.

+Mr Spoon - 25 September 2010 - 07:50

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

+2



13.

Aethec - 25 September 2010 - 07:53

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

+3



14.

MFH - 25 September 2010 - 08:18

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

+4



15.

Richio - 25 September 2010 - 08:49

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

Just goes to show, they have too much money and don't know what to do with it.

16.



warrior4321 - 25 September 2010 - 13:16

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

+5

17.



Jose 49 - 25 September 2010 - 15:00

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

Oh Well. +6

18.



+BoneyardBrew - 25 September 2010 - 15:27

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

+7

19.



Mr aldo - 25 September 2010 - 17:16

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

+8

20.



0V3RS1GHT - 25 September 2010 - 18:40

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

+9

21.



NateB1 - 25 September 2010 - 19:22

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

+10

22.



Auzeras - 25 September 2010 - 19:59

[quote=Tha Bloo Monkee said,]Ridiculous. Buying Apple products supports garbage like this, which is the sad part.[/quote]

+11

23.



InfinitiProject - 25 September 2010 - 23:05

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

+12

24.



OveR - 25 September 2010 - 23:21

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

+13

25.



Trueblue711 - 26 September 2010 - 01:23

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

+14

26.



-Himanshu- - 26 September 2010 - 01:53

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

+15

27.



MSfanboy - 26 September 2010 - 02:24

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

+16

28.



honda - 26 September 2010 - 04:09

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

+17



29.

Glendi - 26 September 2010 - 06:15

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

+18

Keep it coming.

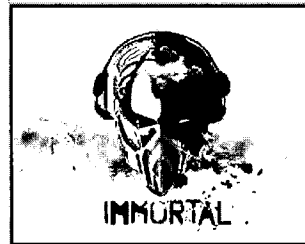


30.

midtx350z RT - 26 September 2010 - 07:38

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

+19



31.

daiv - 26 September 2010 - 10:10

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

+20



32.

.Neo - 26 September 2010 - 14:33

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

If you feel that way you might as well stop using commercial products altogether.

33.



DClark - 27 September 2010 - 00:16

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

+21

34.



Sigmatic.Minor - 27 September 2010 - 01:57

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

+22

35.



SX86 - 27 September 2010 - 13:01

Tha Bloo Monkee said,
Ridiculous. Buying Apple products supports garbage like this, which is the sad part.

+23

That is why I don't use their products. I'm not cool enough for them, anyways.

36.



M_Lyons10 - 25 September 2010 - 03:26

This is really ridiculous. Apple is getting out of control.

37.



MFH - 25 September 2010 - 08:19

M_Lyons10 said,
This is really ridiculous. Apple is getting out of control.

getting?! haven't they been for ages?

38.



Mr aldo - 25 September 2010 - 17:17

MFH said,

getting?! haven't they been for ages?

Exactly... but it is as though every turns their head. However, whenever any company does something little,
ANTITRUST or ANTICOMPETITIVE.

39.



rocioe - 25 September 2010 - 03:40

Hello, Steve? This is Arrogance. Just calling to say: "quit it, you're making me look bad"...

40.



DanLeto - 25 September 2010 - 03:42

Just as well I don't buy anything Apple.

41.



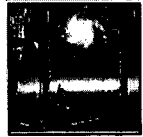
mquiny - 25 September 2010 - 09:49

DanLeto said,
Just as well I don't buy anything Apple.

+1

Precisely why I don't buy anything from Apple either.

42.



devHead - 25 September 2010 - 10:40

DanLeto said,
Just as well I don't buy anything Apple.

+1 I rue the day my mother-in-law bought my wife her iPod Touch. I will never purchase an Apple product for just that reason.

43.



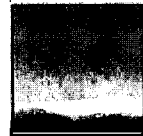
Mr aldo - 25 September 2010 - 17:19

DanLeto said,
Just as well I don't buy anything Apple.

I haven't purchased an Apple product in quite some time (the only one was like a 3rd gen iPod Nano or something [don't remember the gen for sure], and I hated that POS, annoyed the crap outta me! I wanted to throw it out the window, literally, as I almost did).

Sad that the world doesn't see this... or they just don't care. I bet it is the latter.

44.



rheostat - 26 September 2010 - 16:20

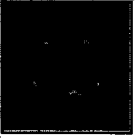
I bought an iPhone and I love it!



45.

Ferron - 25 September 2010 - 03:51

Update: Apple is taking legal action on stores worldwide for using the word 'apple' in their products. This includes the Golden Delicious Apple, the Granny Smith Apple, and specifically, the Macintosh Apple.



46.

McG - 25 September 2010 - 05:52

Ferron said,

Update: Apple is taking legal action on stores worldwide for using the word 'apple' in their products. This includes the Golden Delicious Apple, the Granny Smith Apple, and specifically, the Macintosh Apple.



47.

smartin0115 - 25 September 2010 - 03:53

You know Apple, this BS doesn't help my ongoing battle of deciding over a Zune HD or an iPod Touch...



48.

+Mr Spoon - 25 September 2010 - 07:51

smartin0115 said,

You know Apple, this BS doesn't help my ongoing battle of deciding over a Zune HD or an iPod Touch...

Surely it'll be the Zune then? Microsoft are gonna whoop Apple over the next year or so I think.



49.

Mr aldo - 25 September 2010 - 17:21

smartin0115 said,

You know Apple, this BS doesn't help my ongoing battle of deciding over a Zune HD or an iPod Touch...

I'd wait till next year, though. Supposedly there might be a new Zune HD (WP7 without the phone, hopefully) in 2011.

I have a Zune HD (have had it for a year or more, I think...), and I love it!



50.

.Neo - 26 September 2010 - 14:34

Mr Spoon said,

Surely it'll be the Zune then? Microsoft are gonna whoop Apple over the next year or so I think.

Yea releasing Zune media player sure showed Apple!

51.



PatrynXX - 25 September 2010 - 04:23

Hope they don't sue Nasa for originally calling the space capsule a POD!! Or if you watch The Right Stuff hmm maybe they'll sue the right stuff o_O

52.



Jose 49 - 25 September 2010 - 15:01

PatrynXX said,
Hope they don't sue Nasa for originally calling the space capsule a POD!! Or if you watch The Right Stuff hmm maybe they'll sue the right stuff o_O

Haha, no, imagine a war between Apple and Nasa.

53.



Mr aldo - 25 September 2010 - 17:21

Jose_49 said,

Haha, no, imagine a war between Apple and Nasa.
Maybe NASA could launch Steve into space. That would be the end of that!

Oh, wait... They may not be able to due to the cut backs... Darn.

54.



Izlude - 25 September 2010 - 04:29

I'm still going to make my product with the word pod in it. I've got some panda gig going on and I plan to use it still. So theeeere.

55.



DVSBSTD - 25 September 2010 - 04:34

It's only a matter of time before they accidentally sue themselves!



56.

Calum - 25 September 2010 - 04:56

I could never support such a company. What a disgraceful thing to do. It's a shame because they do make some fantastic products.



57.

nunjabusiness - 25 September 2010 - 04:58

Since "Invasion Of The Body Snatchers" (novel in 1955, movies in 1956,1978 and 1993) actually had people commonly using the word "POD" outside of references to peas, I would say the claim lacks merit. Any judge who sides with @pple in this is retarded and has obviously been paid off.



58.

AMPSV - 25 September 2010 - 05:39

2010 space odyssey had Pods LOL

Apple I think is being a bit cheeky



59.

excalpius - 26 September 2010 - 17:32

"Open the pod bay door, HAL." - Dave

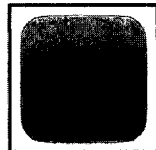


60.

Beaux - 25 September 2010 - 05:45

it's hard to see why Apple raised issue with this to begin with
No, it isn't.

It's Apple.



61.

(Spork) - 25 September 2010 - 06:38

ROFL apple pathetic losers

62.



yowan - 25 September 2010 - 07:06

Apple is just afraid to loose its logo

63.



roadwarrior - 25 September 2010 - 12:28

yowan said,
Apple is just afraid to loose its logo

Says the person using a version of the Firefox logo as his avatar. Oh, the irony.

64.



Tha Bloo Monkee - 25 September 2010 - 17:22

roadwarrior said,
Oh, the irony.

Hardly.

65.



+Lexcyn - 25 September 2010 - 17:47

roadwarrior said,

Says the person using a version of the Firefox logo as his avatar. Oh, the irony.

Irony? Give me a break.

66.



thommcg - 25 September 2010 - 23:18

roadwarrior said,

Says the person using a version of the Firefox logo as his avatar. Oh, the irony.

67.



thommcg - 25 September 2010 - 23:23

roadwarrior said,

Says the person using a version of the Firefox logo as his avatar. Oh, the irony.
I don't think you understand the concept of irony very well.

68.



vladtm - 25 September 2010 - 07:19

It's sad to see Apple's marketing division looking to do evil with so much passion, Apple is a great company, but things like this are absurd, in a rational/decent country, you can't win a case such as this, or even the supermarket logo that has nothing to do with the well known Apple logo... whatever, i guess, if you can make some money of someone, why not do it....

69.



Morphine-X - 25 September 2010 - 07:26

Thats like saying your trademarking the color blue cause its in your logo.. Facebook trying to trademark anything with face or book in the name lol. It's a word, a shape, or even a color it makes no difference it can't be trademarked entirely. Otherwise H&R Block should trademark the square shape and the color green and sue anyone who uses those design patterns/colors in any product cause it resembles their trademark to much and make cause confusion even though 1 deals with taxes and lets say the other deals in selling shoes...

FaceBook/Apple are becoming a rather nuisances lately.. I respect Apples technology but not their legal and administrative methods...

70.



Brody McKee - 25 September 2010 - 09:52

Colours can be trademarked - but only for that industry. So, for example, if another soft drink tried using Coke's read in a way that would be misleading, Coke can strike (which is fair). But Apple is taking this to a whole new crazy level.

71.

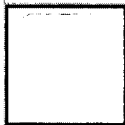


Morphine-X - 25 September 2010 - 10:26

mrmckeb said,
Colours can be trademarked - but only for that industry. So, for example, if another soft drink tried using Coke's read in a way that would be misleading, Coke can strike (which is fair). But Apple is taking this to a whole new crazy level.

True, its like Ford Blue, it's trade marked by Ford, but its also a completely unique color of mixtures within R-G-B.. A shape which is an apple is not as specific as lets say using the exact color code that IS trademarked.. But if the company used an identical apple that Apple uses specifically than I can see a point to them going to court in this case however I don't see the point of it causing confusion..

72.



+MR Candyman - 25 September 2010 - 07:27

Apple: Insanity has a name

73.



MFH - 25 September 2010 - 08:21

MR_Candyman said,
Apple: Insanity has a name

Apple: Think Crazy!

74.

+Advancer - 25 September 2010 - 08:11

If their company name was made up, a unique name not commonly found in any dictionary, I'd support their actions. But claiming a word to be "theirs" that's been around before any of these people were born, it is just beyond me. Somehow I do think that if they put enough money into this, they'll win, and soon you have to pay fees to big companies when you speak/write, cause they own the whole dictionary!



75.

Gladiatorus - 25 September 2010 - 08:15

**** Apple & **** Steve Jobs. I hope this lawsuit goes for a long time making them loose lots of mony. It doesn't matter how much money Apple has, as they love it THAT MUCH, it'll hurt.

It's time for Stevie to get effing fired.

76.



cRuNcHiE - 25 September 2010 - 08:45

What about a house to put your ipod in during festivals?
<http://www.podpads.com/>

77.



Val ThĐu AwĐμsome - 25 September 2010 - 10:28

cRuNcHiE said,
What about a house to put your ipod in during festivals?
<http://www.podpads.com/>

Oh poor guys, next time Apple will sue their assess apart... tear...

78.

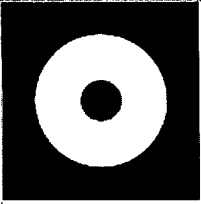


Morphine-X - 25 September 2010 - 10:31

cRuNcHiE said,
What about a house to put your ipod in during festivals?
<http://www.podpads.com/>

Thing is, that's a small time website/company that someone started in their house, however, Sector Labs is Australia's largest retailer which has \$ wrote at the end of the tunnel for Apple if they win cause they could charge

WOOLWORTHS a license fee of some kind not to mention what they can get after suing them if it wins in favor for Apple.



79.

Meph - 25 September 2010 - 09:04

If they called themselves the "iVideo Pod", then I would understand, but this simply madness and greed.



80.

thommcg - 25 September 2010 - 09:59

Apple and Litigation are like peas in a... Uh-oh, watch out Green Giant



81.

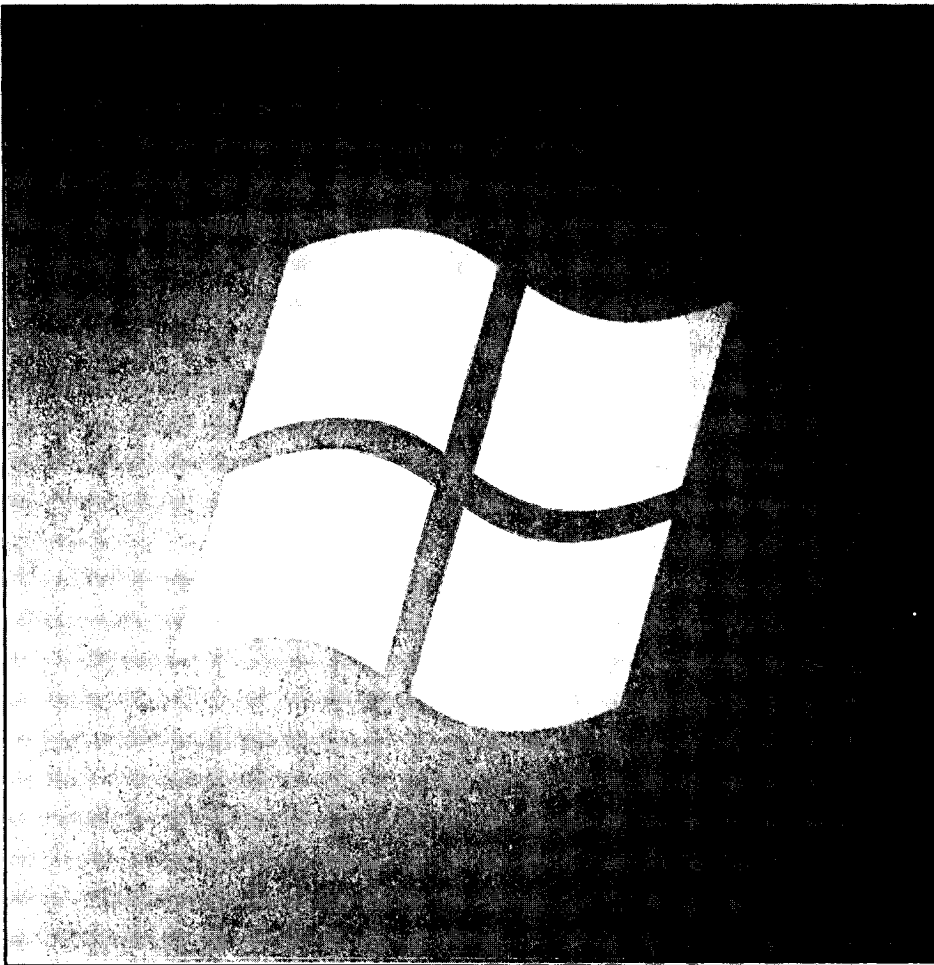
thommcg - 25 September 2010 - 19:24

thommcg said,

Apple and Litigation are like peas in a... Uh-oh, watch out Green Giant

More seriously though; it's like Lindows (remember that?). If it's a tech product and the name ends with Pod, it'll be assumed to be an Apple product, that's Apples argument I guess.

Microsoft won against Lindows, was chained to Linspire



82.

bogas04 - 25 September 2010 - 10:30

ahem!



83.

nkaHnt - 25 September 2010 - 11:18

I will never buy any apple things again

this also includes apple, apple juice and the apple pie!



84.

Farchord - 25 September 2010 - 12:13

nkaHnt said,
I will never buy any apple things again

this also includes apple, apple juice and the apple pie!

What about Pineapple stuff? lol

85.



excalpius - 26 September 2010 - 17:33

Or crabapples?

86.



TechDudeGeorge - 25 September 2010 - 12:00

Apple, you don't rule the world. You are just ridiculous. Stop trying to act like you are the best and trademark everything.

87.



Buzz99 - 25 September 2010 - 13:11

Apple : "Sue different"

88.



ninja502 - 25 September 2010 - 13:51

wonder how long before they go after the people who make the pods storage containers for using the pods name ?
it would be fun to see apple explain how a person can get a storage container and an mp3 player confused with each other

89.



kryten - 25 September 2010 - 15:13

Why don't the makers of Kotex go after Apple for using the word "PAD"?

90.

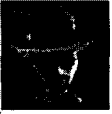


Calum - 25 September 2010 - 17:33

kryten said,
Why don't the makers of Kotex go after Apple for using the word "PAD"?

Perhaps because they're a company with ethics? 😊

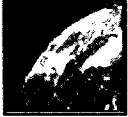
91.



+BelGaRaTh - 25 September 2010 - 15:17

Steve Big Jobbie and his company are all douche bags maybe they should patent Steve Big Jobbie and douche bag, then at least people will understand where the threat is coming from. Apple is rotten to the core. No pun intended.

92.



+warwagon - 25 September 2010 - 16:49

873-page to explain that?

I'm surprised it wasn't just 1 page that said "I'm Steve Jobs"

93.



excalpius - 26 September 2010 - 17:34

Lawyers gotta get paid too...

94.



Xypro - 25 September 2010 - 16:50

Million and Billion dollar companies are fighting over literally words to be put on products, very childish for Apple, but they will never change, Steve Jobs is the biggest arrogant and stupid CEO of all time, Cisco should just use iOS to really kick Apple in the face on whatever the product may be. Apple is so close minded and will always will be there gonna crash, I promise you, just like they did in the 80s. I will never ever touch an Apple product in my entire life, pathetic losers.

95.

redvamp128 - 25 September 2010 - 18:06

What is funny is that a company near where I live should actually SUE APPLE for the use of the word POD-- They are a natural gas company and have been using the name POD since 1961..... It is on all their trucks.... P.O.D. Gas . (piedmont onsite delivery gas)

That would make one heck of a battle should they decide to take down apple. That was well before apple was founded.

96.



Tom - 25 September 2010 - 18:38

Another reason to hate Apple.



97.

Frylock86 - 25 September 2010 - 19:50

Why not go after the MaxiPad then? Cus I get confused sometimes when trying to differentiate the two items. 😊



98.

Joyette S - 25 September 2010 - 21:46

This is not surprising coming from a company that sued a business school for having an apple as its logo.

<http://www.schoolvictoria.com/ApplesandOranges>



99.

Ji@nBing - 26 September 2010 - 02:06

Joyette S said,

This is not surprising coming from a company that sued a business school for having an apple as its logo.

<http://www.schoolvictoria.com/ApplesandOranges>

I take the bus by that school on my way to work everyday. They haven't changed the logo 😊.



100.

+amon91 - 25 September 2010 - 22:18

This is called abuse of the legal system. Everyone does it nowadays because our laws are outdated.



101.

Farchord - 26 September 2010 - 01:12

amon91 said,

This is called abuse of the legal system. Everyone does it nowadays because our laws are outdated.

Yes and no, it's not really outdated, they revise laws all the time.... but it's flawed. Flawed and way too laxed.



102.

Mayn1ac - 25 September 2010 - 23:20

Apple trying to stop the use of a word that's at least 2500 years old the only thing more stupid than that is it wouldn't surprise me if the US courts let 'em do it.



103.

wahoospa - 25 September 2010 - 23:29

There is only 26 characters in the English language, there must be some leeway where like names are fine to use as long as there are not in the same business.
This kind of action is ridiculous. About time for the court systems to realize this.



104.

Subject Delta - 26 September 2010 - 00:26

Even the usual apologists don't seem able to defend this one. Just gets more and more stupid all the time.



105.

vraev - 26 September 2010 - 03:15

seriously? 873 pages of bull ****? wow!!



106.

resol612 - 26 September 2010 - 03:41

The last paragraph is NOT going to sit well with the fanboys...



107.

stablemist - 26 September 2010 - 06:11

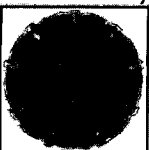
I wonder what's going to happen to podcasts. Will Apple try and have them renamed to something else?



108.

ThomMcK - 27 September 2010 - 12:20

stablemist said,
I wonder what's going to happen to podcasts. Will Apple try and have them renamed to something else?
There's been history of Apple & other companies trying this and not being successful <http://en.wikipedia.org/wiki/Podcast#Trademarks>
I actually think the term "podcast" misleads a lot of people to thinking you can only listen to them on an iPod but unfortunately it seems to ingrained to ever change.



109.

Chevron 7 - 26 September 2010 - 11:32

This is what happens when big greedy companies make too much money, they think they can do anything....so sad. I once bought an ipod, it was crap, waste of 99 quid. I just went back to humming tunes in my head while I walk the streets.



110.

+Voice of Buddy Christ - 26 September 2010 - 12:20

One of these days Apple is going to end up bullying the wrong company, and it will cost them dearly.



111.

dipailo - 26 September 2010 - 23:20

Bemani Dog said,
One of these days Apple is going to end up bullying the wrong company, and it will cost them dearly.

+1



112.

Jayke Huempfnr - 26 September 2010 - 15:26

Seriously? I think there's gotta be a point where you can draw the line. Attacking companies with similar logos and names, but that don't even have anything to do with any of the markets that Apple is in?

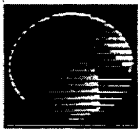
Wow. Just wow.



113.

eviltwigflipper - 26 September 2010 - 18:43

873 page brief thats ridiculous. Criminal briefs aren't even that long.



114.

C. Guy - 27 September 2010 - 15:35

Apple sure knows how to spend their customer's money don't they?

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Apple in legal fight over "pod" use

[0] September 26, 2010 | [Mike Halsey](#)



Big corporations are always in legal battles with one another, it's just something that they do. Sometimes these legal battles are worthwhile and justified and sometimes, like the latest battle between Apple and small start-up company Sector Labs are just a waste of money and time.

In this latest example the Cupertino giant is trying to stomp all over a tiny company that wants to call its new video projector a Video Pod, all because Apple now sees it as their right

to only use the word "pod" in product names.

Apple, who have previously tried and failed to stop other companies using the letter "i" in from of their product names has submitted an 873-page briefing to a US court, outlining it's exclusive claim to the name according to a report by the [BBC](#).

The fight will be played out in the court over the next two months via documents with Sector Labs no doubt pointing out a long list of Apple products that had the word "pod" in their name.

I can be quite understanding of companies' desires to protect their intellectual property but Apple stomping all over a small and innovating start-up over such as pointless argument cannot be condoned. Many commentators have said over the last couple of years that Apple is the next major US Anti-Trust case in waiting, and anti-competitive behaviour of this type won't help their case.

Sector Labs aren't taking this laying down either, and see it as a wider battle for commercial freedoms. In an interview with Wired magazine, Ana Christian, Sector Labs lawyer said "What I'm hoping to do with this case is to really reach a lot broader an audience and make it so entrepreneurs and small businesses can use the English [language](#) as they see fit in branding their products."

The row first began in 2009 and looks set to rumble on for a while yet.

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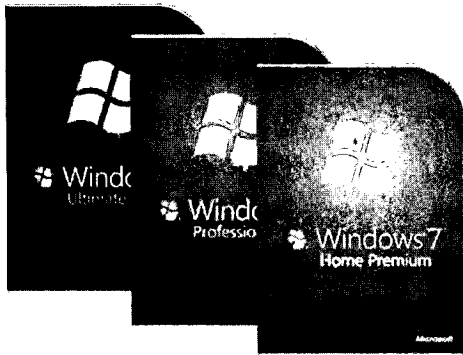
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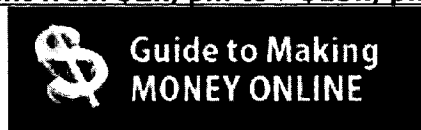
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Exhibit SL22

Apple in legal fight over the word pod

Monday 27 Sep 2010 - 10:15

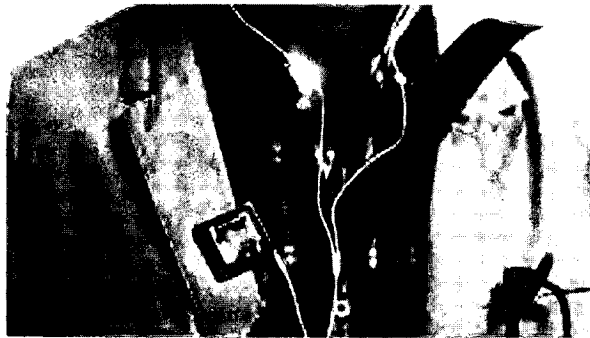
Apple is taking a company called Sector Labs to court over the word 'pod.'

The row is over a new projector called Video Pod, launched last year, which the iPod maker claims infringes on its music player name.

Apple has filed an 873-page briefing paper to the court laying out its claim to exclusive use of the name, reports the BBC.

Sector Labs have until early October to respond, with the US patents office deciding if Apple has a case.

"What I'm hoping to do with this case is to really reach a lot broader an audience and make it so entrepreneurs and small businesses use the English language as they see fit in branding their products," Ana Christian, Sector Labs' lawyer, told Wired.com.



"My team started working on the Video Pod in 2000, and it took us years to go from prototype to funded," added Sector Labs Danie; "At that time, Apple didn't even enter our minds as a competitor."

Apple has previously taken action against a number of companies and websites using the word pod, including MyPodder, TightPod, PodShow, Podium and iPodLounge.

Nick Spence

For more information see the Apple Web site.

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Apple Launches Legal Claim over the Word "Pod"

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Photo by wired.com

Apple has launched a legal battle against start-up Sector Labs over the use of the term 'pod'.

The legal battle came to light because of a projector called Video Pod currently being developed by start-up Sector Labs.

The row between the two firms began in 2009 when news about Sector Labs' video projector emerged, the BBC reported.

At the initial stages of the dispute, Apple had said in a statement to Sector Labs, that the use of the word might create confusion amongst the customers.

However, the legal claim to the intended usage of the word will be decided in court next month, when the two companies will file the necessary documents.

Apple, on its part, has already filed an 873-page brief to the court laying out its claim to "exclusive use" of the name.

Sector Labs is due to submit the necessary papers in court by early October. The documents will then be scrutinized by the US Patents' Office and will judge the claims.

Ana Christian, Sector Labs' lawyer, told Wired.com that the fight was about more than just the right to use "pod".

"What I'm hoping to do with this case is to really reach a lot broader an audience and make it so entrepreneurs and small businesses can use the English language as they see fit in branding their products," she told the magazine.

Sector Labs is one among many tech firms that Apple has taken on because they have used the word "pod" in product names.

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Адв. Надежда Николова Корупция в България не по-удобно е да се престрече няма: Адв. Надежда Николова е ул... <http://cDsA2F> 2010-10-12

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Thread: Apple now want exclusive use of the word 'Pod'

26-09-2010 19:21

Spank-it ◊

Senior Member



Join Date: Apr 2008
Posts: 1,388

Donald Trump was suing some guy in New York over the exclusive use of the word "TRUMP"
The guy lost, he was last heard yelling at Trump "In that case - I fart in your general direction"

If you are feeling a little useles, offended, or depressed, just remember that you were once the fastest and most victorious sperm out of millions.



[Reply](#)

26-09-2010 19:41

fairy_nuff ◊

Senior Member



Join Date: Sep 2008
Posts: 491

Are they taking the pea out of pod then?

What the f**k was that? Mayor of Hiroshima 1945



[Reply](#)

26-09-2010 20:22

Senior Member



Join Date: Sep 2006
Posts: 1,612

Dave: Open the pod bay doors Hal.
HAL9000: I'm sorry Dave, I cannot do that. It would constitute copyright infringement.

Once upon a time, a woman was picking up firewood. She came upon a poisonous snake frozen in the snow. She took the home and nursed it back to health.
One day the snake bit her on the cheek. As she lay dying, she asked the snake, "Why have you done this to me?" And the answered, "Look, bitch, you knew I was a snake." -Old Indian



Reply

27-09-2010 01:03

gundog ◦

Senior Member



Join Date: Oct 2005
Location: Satans Kennels
Posts: 482

Originally Posted by **CaptainPlume**

She was only Mummy Smith when she invented the apples. "Shag, daughter, shag," she said...

Actually the daughter was called, "Shaggerarder" and when mommy smith came home one day she heard a from upstairs. She ran up the stairs to find her daughter enjoying the attentions of the cow herder. Bursting shouts. "Shaggerarder!!" To which the cowherd shouts back. "Bloody hell missus! If I shagged any harder th will fall from the trees!"

Apologies to Sir Isaac Newton who was enjoying a nap outside at the time.

CRY HAVOC! Let slip the dogs of war!
I say Grayson; there are some walks out there. Fetch the shotguns, I fancy some sport.

Your IP is 70.143.76.235!
You are running Windows XP and using Firefox!
one day you will be a civvy and people wont care
danc3soft.com



Reply

27-09-2010 09:44

BarkingSpider ◦

Senior Member



Join Date: Mar 2008
Posts: 3,132

As a family, we're trying to embrace technology.
I bought an **iPod** for my daughter, an **iPad** for my son and an **iPhone** for myself.
The trouble started when I bought an **IRon** for my wife.



Reply

27-09-2010 11:00

Mango_Juice ◦

Senior Member



Join Date: Jun 2010
 Posts: 219

Originally Posted by **BarkingSpider**
*As a family, we're trying to embrace technology.
 I bought an **iPod** for my daughter, an **iPad** for my son and an **iPhone** for myself.
 The trouble started when I bought an **IRon** for my wife.*

Quality!

"Don't let your mouth get your ass in trouble"
 Shaft '71

"I once prayed to god for a bike, but quickly found out he didnt work that way...so I stole a bike and prayed for his forgiver

"Anything you say may be held against you. ... "tits".

"A computer once beat me at chess, but it was no match for me at kick boxing."



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and many other things



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Gulf War One: Real Voices from the Front Line: The First Oral History Told by All Sides"

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Thread: Apple now want exclusive use of the word 'Pod'

25-09-2010 20:51

maguire

Senior Member



Join Date: Mar 2005
Posts: 3,080



Apple now want exclusive use of the word 'Pod'

'Apple really, really, really wants exclusive rights to the word "Pod," in names for tech products, the compar argued in an 873-page legal brief filed earlier this week.

Steve Jobs & Co submitted the voluminous document in a dispute with Sector Labs, a startup that's developi projector called the Video Pod, *Wired.com* reported. *The Reg* has been unable to confirm this because the fil we're told) was evidently more than the Patent and Trademark Office website could bear.

Apple is reportedly arguing that a video projector with the word "Pod" in its name would cause confusion wit own iPod products. Apple has a long history of attacking tech companies that use the name, going after MyP TightPod, PodShow and Podium. And, of course, one can't forget the company's threats against the iPod, a spade used by Aussie campers to bury their shit. But according to *Wired.com*, Sector Labs is the only outfit i Apple on.'

Apple in 873-page legal claim to word 'Pod' - The Register

I really hope they succeed in telling apple where to get off. greedy, bullying corporate gobshites.

Video Pod - iPod - no, I keep trying but I cant get them confused. damn.

'Have you had enough? Have you had enough you fucking Moldavian bastard, your Excellency.'



Reply

25-09-2010 21:17

fairmaidofperth

Senior Member



Join Date: Aug 2005
Location: Below the Pont Mirabeau ...
Posts: 1,314

Somebody should maybe warn Greenpeace then

The pod may be down, but we're not out. | Greenpeace UK

I'll sail this ship alone



Reply'

25-09-2010 21:30

Fallschirmjager ◦

Senior Member



Join Date: Feb 2006
Posts: 5,904

This exciting post has made my night. Any more exciting titbits of info for us?



Reply'

25-09-2010 21:39

bluntslane ◦

Senior Member



Join Date: Nov 2007
Posts: 1,323

I think Hannah-Barbara/Thunderbirds might have greater pull with regards "intellectual" rights, than Green



Reply'

25-09-2010 21:46

fatsplasher ◦

Senior Member



Join Date: Jul 2008
Posts: 1,140

Any word from the Whales yet



Reply'

25-09-2010 21:53

maguire ◦

Senior Member



The older I get..... the better I was....



Originally Posted by **Fallschirmjager**
This exciting post has made my night. Any more exciting titbits of info for us?

Join Date: Mar 2005
 Posts: 3,080

well, I'll try. although clearly I'm struggling to match your output.

;)



'Have you had enough? Have you had enough you fucking Moldavian bastard, your Excellency.'



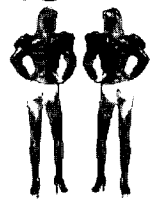
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25-09-2010 23:09

A_Brace_of_Buns

They want exclusive use of the word pod? Really, how dare they! I pea on that suggestion.

Senior Member



Join Date: Jul 2007
 Posts: 157

"In all my years as a soldier, I have never seen men fight so hard."
 Lt. Gen. Wilhelm Bittrich - Commander II SS Panzer Korps during Arnhem, Sept. 1944



Reply

25-09-2010 23:31

BarkingSpider

Originally Posted by **A_Brace_of_Buns**
They want exclusive use of the word pod? Really, how dare they! I pea on that suggestion.

Senior Member



Join Date: Mar 2008
 Posts: 3,132

Listen Mush, I think you'll find that Greenpeas are already sticking it to them.



Reply

25-09-2010 23:39

Gremlin

Senior Member





"Fresh as the moment that the shell-like leguminous structure went pop?"

Doesn't really do it for me!

Join Date: Jul 2005
Location: I have a map - Oh Bigger!
Posts: 7,203



Reply

25-09-2010 23:43

Mango_Juice ◦

I invented apples.....i want royalties.

Senior Member



Join Date: Jun 2010
Posts: 219

"Don't let your mouth get your ass in trouble"
Shaft '71

"I once prayed to god for a bike, but quickly found out he didnt work that way...so I stole a bike and prayed for his forgiver

"Anything you say may be held against you. ... "tits".

"A computer once beat me at chess, but it was no match for me at kick boxing."



Reply

26-09-2010 00:49

DavidBOC ◦

Almost but not quite as designer Ralph Lauren who several years ago sued the US Polo Association because associations magazine for members is called "Polo"

Senior Member



Join Date: Jun 2007
Location: A small drinking village with a fishing problem
Posts: 2,288

Reminds me of my safari in Africa. Somebody forgot the corkscrew and for several days we had to live on nothing but food water.



Reply

26-09-2010 01:13

Gremlin ◦

Senior Member



Originally Posted by **DavidBOC**

Almost but not quite as designer Ralph Lauren who several years ago sued the US Polo Association because the associations magazine for members is called "Polo"

Not exactly. PRL sued the USPA and Jordache for Breach of Copyright in respect of their trademark.



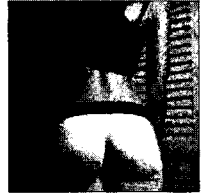
Reply

26-09-2010 10:57

vaannmmaann

Right then.I claim the word Christmas.When do I get the royalty cheques?

Senior Member



Join Date: Jan 2008
Posts: 6,402

Older,but no wiser.



Reply

26-09-2010 11:23

RoofRat

I believe a certain Granny Smith from Worcester,is going to sue for the use of the word 'Apple'.....

Senior Member



Join Date: Jun 2007
Posts: 843

ATTENTION! DANGER OF MONSIEUR
of French MILITARY LAUNCH
ATTENTION! DANGER! ATTENTION!
ATTENTION! DANGER! ATTENTION!
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Videre Nec Videri



Reply

26-09-2010 13:23

Monty417

I haven't taken a dump for three days, I'll just have a dose of Cassia angustifolia, as I'm not allowed to say : pods.

Senior Member



Join Date: Nov 2008



Nothing is foolproof to the expert Fool.



Reply

26-09-2010 13:30

Monty417 ◊

Senior Member



Join Date: Nov 2008
Location: The Happy Farm, feeding the ducks.
Posts: 6,953

Originally Posted by **RoofRat**

I believe a certain Granny Smith from Worcester, is going to sue for the use of the word 'Apple'.....

Not to mention The Beetles.



Nothing is foolproof to the expert Fool.



Reply

26-09-2010 17:01

gundog ◊

Senior Member



Join Date: Oct 2005
Location: Satans Kennels
Posts: 482

What makes me guffaw with irony is the fact that all the commie pinko leftie sandal wearing tofu munching reading bearded veggie lefties were all buying apple because that nasty baby eating capitalist Bill Gates was competition in the name of profits and Steve Jobs was a much more socially aware individual who cared for people and wouldn't do such a thing.

So it seem that Bill and Steve are like two peas in a pod!

CRY HAVOC! Let slip the dogs of war!
I say Grayson; there are some walks out there. Fetch the shotguns, I fancy some sport.

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dartsoft.com



Reply

26-09-2010 17:37

twothreeuptwothreedown ◊



Poddon????



Join Date: Jul 2010
Location: The Home of the British Army
Posts: 266

Rot scheint die Sonne, fertig gemacht!



Reply

26-09-2010 18:05

maguire ◊

Senior Member



Join Date: Mar 2005
Posts: 3,080



Originally Posted by **gundog**

What makes me guffaw with irony is the fact that all the commie pinko leftie sandal wearing tofu munching guardia reading bearded veggie lefties were all buying apple because that nasty baby eating capitalist Bill Gates was stifling competition in the name of profits and Steve Jobs was a much more socially aware individual who cared for for peop and wouldn't do such a thing.

So it seem that Bill and Steve are like two peas in a pod!

...never trust a hippy...

'Have you had enough? Have you had enough you fucking Moldavian bastard, your Excellency.'



Reply

26-09-2010 18:59

CaptainPlume ◊

Senior Member



Join Date: Oct 2003
Posts: 3,262

Originally Posted by **RoofRat**

I believe a certain Granny Smith from Worcester, is going to sue for the use of the word 'Apple'.....

She was only Mummy Smith when she invented the apples. "Shag, daughter, shag," she said...

The mere words "socialism" and "communism" draw towards them with magnetic force every fruit-juice drink sandal wearer, sex maniac, Quaker, "nature-cure" quack, pacifist and Feminist in England.

George Orwell

The problem with socialism is that eventually you run out of other people's money.

Margaret Thatcher



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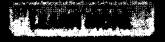
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Exhibit SL25

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Apple Run by Pod People

Apple's mission is simple: to be the only trademark in the "pod." Apple is preparing to take its trademark infringement claim against Sector Labs to trial. Sector Labs began developing the Video Pod nearly ten years ago, and is not the first company to be sued by Apple over use of the word "pod." Apple claims that Sector Labs' "Video Pod" trademark is likely to lead to consumer confusion with Apple's family of Pod marks. To support its claim, Apple filed an 873-page briefing paper with the court laying out its claim to exclusive use of the word "pod." Apple then proceeded to bludgeon the attorney for Sector Labs with the report.

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Exhibit SL26