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U.S. Patent & TMO/TM Mail Rcpt. Dt. #57
08-30-2002

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

In the matter of Application Serial No. 76/132,517
Published in the Official Gazette on July 2, 2002

DIRECTV, Inc.,)	
)	
Opposer)	Opposition No. _____
)	
v.)	
)	
DIRECTED ELECTRONICS, INC.,)	
)	
Applicant)	

09/10/2002 CMAY11 00000019 76132517
01 FC:377 300.00 OP

NOTICE OF OPPOSITION

DIRECTV, Inc., a California corporation, with its business address at 2230 E. Imperial Highway, El Segundo, California, 90245, believes that it would be damaged by registration of the mark DIRECTED, which is the subject of Application Serial No. 76/132,517 and hereby opposes the same.

As grounds of opposition, it is alleged that:

On information and belief, DIRECTED ELECTRONICS, Inc., a California corporation, ("Applicant") is the owner of Application Serial No. 76/132,517, filed on September 20, 2000 (the "Application"), and seeks to register the DIRECTED mark as a trademark for "audio equipment namely - speakers, woofers, tweeters, component speakers, mid range speakers,

crossovers, amplifiers, mono amplifiers and stereo amplifiers; audio installation accessories namely, electrical speaker wires, power distribution blocks, in line fuse holders, electrical gold-plated AGU fuses, electrical gold ANL fuses, battery clamps and adapters, power capacitors and capacitor accessories, premium install and power kits which include; electrical power wire, electrical ATC fuse holder with fuse, electrical gold-plated crimp-on ring terminals, plastic split-loom tubing for covering electrical wire, electrical primary wire, OFC speaker wire, electrical gold-plated OFC RCA cable, electrical power distributor fuse block and electrical power distribution block; electrical gold ring terminals, electrical spade terminals, electrical gold ring terminals used for the installation of audio equipment, and electrical audio cables and adapters” in International Class 9, as evidenced by the publication of such mark in the Official Gazette on page TM 491 of the July, 2, 2002 issue (the “Publication Notice”). A copy of the publication page is attached hereto as Exhibit 1.

1. Opposer is the owner of several U.S. Registrations for the trademark DIRECTV covering satellite broadcast and/or class 9 audio/video equipment. Specifically, Opposer owns the following registrations:

DIRECTV	Registration No. 2503432	Cls. 9,16 & 25
DIRECTV	Registration No. 1872038	Cl. 38
DIRECTV PLUS	Registration No. 2418301	Cl. 9
DIRECTV PLUS and Design	Registration No. 2476336	Cl. 9
DIRECTV SATELLITE TV AT ITS BEST	Registration No. 2184561	Cl. 38
DIRECTV SPORTS	Registration No. 2410158	Cl. 38
DIRECTV SPORTS and Design	Registration No. 2417347	Cls. 38 & 41
INSIDE DIRECTV	Registration No. 2589202	Cls. 38 & 41

Copies of several of these Certificates of Registration are attached hereto as Exhibit 2.

2. Opposer has used the trademark DIRECTV in connection with related services as early as June 17, 1994 and has used the mark in connection with some of the goods listed in Applicant's application as early as January 1, 1998.

3. Application Serial No. 76/132,517 was filed as an Intent-to-Use application. Applicant had no use of the mark in connection with the goods listed in the application prior to September 20, 2000.

4. Opposer has a date of first use that precedes the Applicant's application filing date. In addition, Opposer has made use of the mark DIRECTV in interstate commerce prior to Applicant's filing date. Based on the priority of use date, Opposer's rights in the mark DIRECTV covering class 9 goods are superior to the Applicant's.

5. Opposer has made continuous use of the DIRECTV mark on installation kits, cables and other class 9 goods listed in the application since at least as early as January 1, 1998. Opposer has made ongoing efforts to provide the goods and services listed in the applicable registrations to members of the purchasing public. Due to significant marketing and promotional efforts, consumers currently spend millions of dollars per year on DIRECTV brand equipment and services.

6. Through its efforts and the expenditure of funds for marketing and promotional activities, Opposer has developed considerable and valuable goodwill and reputation with respect to the DIRECTV mark.

7. The DIRECTV mark is highly distinctive and therefore entitled to a broad scope of protection in connection with goods and services beyond those listed on the various registrations.

8. The DIRECTV mark is used in connection with satellite broadcast audio channels and has thereby become associated in the minds of consumers with audio entertainment and equipment for receiving audio signals.

9. Applicant proposes to use the mark DIRECTED on audio equipment. U.S. Registration 2,503,432 for DIRECTV covers telecommunications products used in connection with transmission and reception of audio and video broadcast signals. DIRECTV, Inc. has sold such telecommunications products bearing the DIRECTV trademark since 1994.

10. The Applicant's goods will be sold through the same channels of trade as Opponent's goods. It is highly possible that that consumers will be faced with DIRECTED and DIRECTV brand cable products and installation kits in the same retail outlets.

11. As a result of the distinctiveness of the mark DIRECTV, continuous, substantial nationwide use of the mark DIRECTV, and significant marketing and promotional efforts, DIRECTV has reached well-known or famous trademark status and is entitled to a wide scope of protection. Applicant's mark, if registered or used, will blur the distinctiveness of the mark and dilute the value of the mark as a source identifier.

12. Opposer's trademark DIRECTV is pronounced "DIREC" "T" "V". One pronunciation of the mark, which is the subject of the application, is "DIRECT" "E" "D". This is nearly identical in sound to the trademark DIRECTV.

13. The similarity of the goods, the fact that Applicant's and Opposer's goods are both sold through the same channels of distribution, the clear association in the mind's of consumers between the DIRECTV trademark and goods and services from DIRECTV, Inc. and the identical sound and similar visual appearance of the DIRECTED and DIRECTV marks, will

likely cause confusion, mistake and deception as to the sponsorship or origin of Applicant's goods marketed in association with the DIRECTV mark.

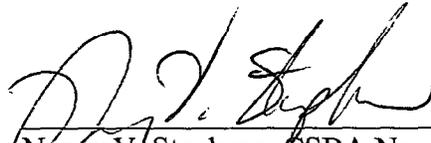
14. If Applicant is permitted to register the DIRECTED mark for the goods specified in the Application, damage and injury to Opposer will be caused and will result by reason of the confusing similarity between Applicant's DIRECTED mark and Opposer's DIRECTV mark. Purchasers and prospective purchasers are likely to be confused, mistaken, or deceived into believing that Applicant or its goods are associated or connected with, or sponsored or approved by Opposer. Any defect, objection or fault found with Applicant's goods bearing the DIRECTED mark will necessarily reflect upon and seriously injure the reputation which Opposer has established for its products and services which bear the DIRECTV mark.

15. If Applicant is granted a registration for the DIRECTED mark, Applicant will obtain at least a *prima facie* exclusive right to use the DIRECTED mark. Such registration would be a source of damage and injury to Opposer because not only would it likely create confusion in the marketplace, but also it would be inconsistent with Opposer's rights in the DIRECTV mark and would unduly narrow the scope of protection to which Opposer's DIRECTV mark is entitled. In view of Opposer's superior rights in the DIRECTV mark, Opposer will be harmed by Applicant's registration of DIRECTED.

16. WHEREFORE, the Opposer prays that the Application, Serial No. 76/132,517 in International Class 9, be denied and refused.

17. A duplicate copy of this Notice of Opposition required by C.F.R. § 2.104(a) and the fee required by C.F.R. § 2.6(a)(17) are enclosed herewith.

Dated: August 29, 2002



Nancy V. Stephens, CSBA No. 144109

Jennifer L. Scully, WSBA No. 28864

Attorneys for Opposer

DIRECTV, Inc.

1111 Third Avenue, Suite 3400

Seattle, Washington 98101-3299

206-447-4400

EXHIBIT 1

CLASS 9—(Continued).

SN 76-132,517. DIRECTED ELECTRONICS, INC., VISTA, CA. FILED 9-20-2000.

CLASS 9—(Continued).

SN 76-133,041. MACDONALD, MURRAY G., VANCOUVER, B.C. V6B 4Y4, CANADA, FILED 9-22-2000.

DIRECTED

FOR AUDIO EQUIPMENT NAMELY - SPEAKERS, WOOFERS, TWEETERS, COMPONENT SPEAKERS, MID RANGE SPEAKERS, CROSSOVERS, AMPLIFIERS, MONO AMPLIFIERS AND STEREO AMPLIFIERS; AUDIO INSTALLATION ACCESSORIES NAMELY, ELECTRICAL SPEAKER WIRES, POWER DISTRIBUTION BLOCKS, IN LINE FUSE HOLDERS, ELECTRICAL GOLD-PLATED AGU FUSES, ELECTRICAL GOLD ANL FUSES, BATTERY CLAMPS AND ADAPTERS, POWER CAPACITORS AND CAPACITOR ACCESSORIES, PREMIUM INSTALL AND POWER KITS WHICH INCLUDE; ELECTRICAL POWER WIRE, ELECTRICAL ATC FUSE HOLDER WITH FUSE, ELECTRICAL GOLD-PLATED CRIMP-ON RING TERMINALS, PLASTIC SPLIT-LOOM TUBING FOR COVERING ELECTRICAL WIRE, ELECTRICAL PRIMARY WIRE, OFC SPEAKER WIRE, ELECTRICAL GOLD-PLATED OFC RCA CABLE, ELECTRICAL POWER DISTRIBUTOR FUSE BLOCK AND ELECTRICAL POWER DISTRIBUTION BLOCK; ELECTRICAL GOLD RING TERMINALS, ELECTRICAL SPADE TERMINALS, ELECTRICAL GOLD RING TERMINALS USED FOR THE INSTALLATION OF AUDIO EQUIPMENT, AND ELECTRICAL AUDIO CABLES AND ADAPTERS (U.S. CLS. 21, 23, 26, 36 AND 38). FIRST USE 5-28-1999; IN COMMERCE 5-28-1999.

SN 76-132,518. DIRECTED ELECTRONICS, INC., VISTA, CA. FILED 9-20-2000.



FOR AUDIO EQUIPMENT NAMELY - SPEAKERS, WOOFERS, TWEETERS, COMPONENT SPEAKERS, MID RANGE SPEAKERS, CROSSOVERS, AMPLIFIERS, MONO AMPLIFIERS AND STEREO AMPLIFIER; AUDIO INSTALLATION ACCESSORIES NAMELY, ELECTRICAL SPEAKER WIRES, POWER DISTRIBUTION BLOCKS, IN LINE FUSE HOLDERS, ELECTRICAL GOLD-PLATED AGU FUSES, ELECTRICAL GOLD ANL FUSES, BATTERY CLAMPS AND ADAPTERS, POWER CAPACITORS AND CAPACITOR ACCESSORIES, PREMIUM INSTALL AND POWER KITS WHICH INCLUDE; ELECTRICAL POWER WIRE, ELECTRICAL ATC FUSE HOLDER WITH FUSE, ELECTRICAL GOLD-PLATED CRAMP-ON RING TERMINALS, PLASTIC SPLIT-LOOM TUBING FOR COVERING ELECTRICAL WIRE, ELECTRICAL PRIMARY WIRE, OFC SPEAKER WIRE, ELECTRICAL GOLD-PLATED OFC RCA CABLE, ELECTRICAL POWER DISTRIBUTOR FUSE BLOCK AND ELECTRICAL POWER DISTRIBUTION BLOCK; ELECTRICAL GOLD RING TERMINALS, ELECTRICAL SPADE TERMINALS, ELECTRICAL GOLD RING TERMINALS USED FOR THE INSTALLATION OF AUDIO EQUIPMENT, AND ELECTRICAL AUDIO CABLES AND ADAPTERS (U.S. CLS. 21, 23, 26, 36 AND 38). FIRST USE 5-28-1999; IN COMMERCE 5-28-1999.

STOREFRONT MARKUP LANGUAGE

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

FOR COMPUTER SOFTWARE USED TO DEVELOP, WRITE AND EDIT OTHER COMPUTER APPLICATION SOFTWARE; COMPUTER PROGRAM FOR THE CREATION OF WEBSITE AND OTHER NETWORKED COMPUTER ENVIRONMENTS (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 1-21-2000; IN COMMERCE 1-21-2000.

SN 76-134,732. ICEAS, LLC, YPSILANTI, MI. FILED 9-25-2000.

ICEAS

FOR INTERNET BASED CONSTRUCTION WORK FLOW MANAGEMENT SOFTWARE FOR ESTIMATING THE COST OF WORK PROJECTS, INVOICING THE COSTS OF WORK PROJECTS AND GENERATING RELATED PAPERWORK, AND TRACKING THE STATUS OF WORK PROJECTS AND PAYMENTS MADE AVAILABLE TO ALL PARTICIPANTS IN A WORK PROJECT PROCESS; INTERNET BASED CONSTRUCTION MANAGEMENT SOFTWARE FOR GENERATING CUSTOM FORMS AND REPORTS FOR WORK PROJECTS IN PROCESS AND ACCESSING ARCHIVED REPORTS ON COMPLETED PROJECTS (U.S. CLS. 21, 23, 26, 36 AND 38). FIRST USE 1-20-2000; IN COMMERCE 1-20-2000.

SN 76-135,702. PRIVACY PRESERVE, INC., GREENVILLE, DE. BY ASSIGNMENT INTEROSA, INC., COLORADO SPRINGS, CO. FILED 9-26-2000.



FOR COMPUTER SOFTWARE FOR MANAGING, MONITORING, AND SECURING THE TRANSFER OF ELECTRONIC MAIL INCLUDING ENABLING SENDERS TO APPLY POLICIES REGARDING THE ELECTRONIC MAIL MESSAGES (U.S. CLS. 21, 23, 26, 36 AND 38).

EXHIBIT 2

Int. Cls.: 9, 16 and 25

Prior U.S. Cls.: 2, 5, 21, 22, 23, 26, 29, 36, 37, 38, 39
and 50

Reg. No. 2,503,432

United States Patent and Trademark Office

Registered Nov. 6, 2001

**TRADEMARK
PRINCIPAL REGISTER**

DIRECTV

DIRECTV, INC. (CALIFORNIA CORPORATION)
2230 E. IMPERIAL HIGHWAY
EL SEGUNDO, CA 90245

FOR: TELECOMMUNICATIONS PRODUCTS, NAMELY, RECEIVERS, RECEIVER MODULES, DECODER BOXES, SATELLITE DISHES, REMOTE CONTROLLERS, VIDEO DISPLAY DEVICES, NAMELY, TELEVISION SETS AND VIDEO MONITORS, ANTENNAS, COMPUTER CONTROLLING HARDWARE AND SOFTWARE FOR USE IN THE AFOREMENTIONED GOODS, INSTALLATION KITS PRIMARILY COMPRISING CABLES, PHONE CORDS, CABLE TIES, CABLE CLIPS, GROUND WIRE, PHONE ADAPTERS, AND PARTS FOR THE AFORESAID GOODS, AND ACCESSORIES, NAMELY, TELEPHONE JACKS, CHIMNEY MOUNTS, SURGE PROTECTORS, ALL FOR USE IN THE DIRECT-TO-HOME SATELLITE BROADCASTING INDUSTRY, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-1-1998; IN COMMERCE 10-1-1998.

FOR: CARDBOARD FLOOR DISPLAY UNITS FOR MERCHANDISING PRODUCTS, INSTRUCTION MANUALS FOR USE IN CONNECTION WITH

DIRECT-TO-HOME SATELLITE EQUIPMENT AND SERVICES, MAGAZINES, BROCHURES, BOOKS, AND PRINTED PROGRAMMING GUIDES IN THE FIELD OF DIRECT-TO-HOME SATELLITE SERVICES, WRITING PAPER, BINDERS, POSTERS, NOTE PADS, PENS, PENCILS, ADDRESS BOOKS, APPOINTMENT BOOKS, BOOK MARKS, STATIONERY BOXES, CALENDARS, GIFT CARDS, DECALS, DESK SETS, DIARIES, STATIONERY-TYPE PORTFOLIOS, BUMPER STICKERS, IN CLASS 16 (U.S. CLS. 2, 5, 22, 23, 29, 37, 38 AND 50).

FIRST USE 6-17-1994; IN COMMERCE 6-17-1994.

FOR: CLOTHING, NAMELY, SHIRTS, GOLF SHIRTS, JACKETS, WIND-RESISTANT JACKETS, SWEATSHIRTS, T-SHIRTS, CAPS, AND HATS, IN CLASS 25 (U.S. CLS. 22 AND 39).

FIRST USE 6-17-1994; IN COMMERCE 6-17-1994.

OWNER OF U.S. REG. NOS. 1,872,038 AND 2,184,581.

SER. NO. 75-638,970, FILED 2-15-1999.

MICHAEL BAIRD, EXAMINING ATTORNEY

Int. Cl.: 38

Prior U.S. Cl.: 104

United States Patent and Trademark Office

Reg. No. 1,872,038

Registered Jan. 3, 1995

**SERVICE MARK
PRINCIPAL REGISTER**

DIRECTV

HUGHES COMMUNICATIONS, INC. (CALIFOR-
NIA CORPORATION)
1990 GRAND AVENUE
EL SEGUNDO, CA 90245

FIRST USE 6-17-1994; IN COMMERCE
6-17-1994.

SN 74-190,493, FILED 7-31-1991.

FOR: SATELLITE BROADCASTING SERV-
ICES PROVIDED DIRECTLY TO THE CON-
SUMER, IN CLASS 38 (U.S. CL. 104).

ARI LEIFMAN, EXAMINING ATTORNEY

Int. Cl.: 38

Prior U.S. Cls.: 100, 101, and 104

Reg. No. 2,184,561

United States Patent and Trademark Office

Registered Aug. 25, 1998

**SERVICE MARK
PRINCIPAL REGISTER**

DIRECTV. SATELLITE TV AT ITS BEST

DIRECTV, INC. (CALIFORNIA CORPORATION)
2230 EAST IMPERIAL HIGHWAY
EL SEGUNDO, CA 90245

FOR: DIRECT BROADCAST SATELLITE
TRANSMISSION SERVICES, IN CLASS 38 (U.S.
CLS. 100, 101 AND 104).

FIRST USE 1-0-1996; IN COMMERCE
1-0-1996.

NO CLAIM IS MADE TO THE EXCLUSIVE
RIGHT TO USE "SATELLITE TV AT ITS
BEST", APART FROM THE MARK AS SHOWN.

SN 75-102,633, FILED 5-10-1996.

GLENN CLARK, EXAMINING ATTORNEY

Int. Cls.: 38 and 41

Prior U.S. Cls.: 100, 101, 104 and 107

Reg. No. 2,410,158

United States Patent and Trademark Office

Registered Dec. 5, 2001

**SERVICE MARK
PRINCIPAL REGISTER**

DIRECTV SPORTS

**DIRECTV, INC. (CALIFORNIA CORPORATION)
2230 E. IMPERIAL HIGHWAY
EL SEGUNDO, CA 90245**

**FOR: SATELLITE TELEVISION BROADCASTING
AND TRANSMISSION SERVICES; PAY-PER-VIEW
TELEVISION TRANSMISSION SERVICES, IN CLASS
38 (U.S. CLS. 100, 101 AND 104).**

FIRST USE 6-0-1998; IN COMMERCE 6-0-1998.

**FOR: TELEVISION PROGRAMMING AND PRO-
DUCTION SERVICES; DISTRIBUTION OF TELE-**

**VISION PROGRAMS FOR OTHERS, IN CLASS 4
(U.S. CLS. 100, 101 AND 107).**

**FIRST USE 6-0-1998; IN COMMERCE 6-0-1998
OWNER OF U.S. REG. NOS. 1,872,038 AND
2,184,561.**

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

SER. NO. 75-723,441, FILED 6-7-1999.

MICHAEL BAIRD, EXAMINING ATTORNEY

Int. Cls.: 38 and 41

Prior U.S. Cls.: 100, 101, 104 and 107

Reg. No. 2,417,347

United States Patent and Trademark Office

Registered Jan. 2, 2001

SERVICE MARK
PRINCIPAL REGISTER



DIRECTV, INC. (CALIFORNIA CORPORATION)
2230 E. IMPERIAL HIGHWAY
EL SEGUNDO, CA 90245

FOR: SATELLITE TELEVISION TRANSMISSION
AND BROADCASTING SERVICES; PAY-PER-VIEW
TELEVISION TRANSMISSION SERVICES, IN CLASS
38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 3-0-1999; IN COMMERCE 3-0-1999.

FOR: TELEVISION PROGRAMMING AND PRO-
DUCTION SERVICES; DISTRIBUTION OF TELE-

VISION PROGRAMS IN FOR OTHERS, IN CLASS
41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 3-0-1999; IN COMMERCE 3-0-1999.
OWNER OF U.S. REG. NOS. 1,872,038 AND
2,184,561.

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

SER. NO. 75-839,819, FILED 11-3-1999.

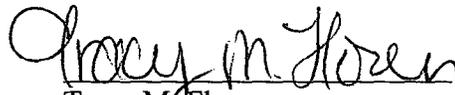
MICHAEL BAIRD, EXAMINING ATTORNEY

CERTIFICATE OF MAILING UNDER 37 CFR 1.10

"Express Mail" mailing label number EL631093542US

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on August 30, 2002, and is addressed to Assistant Commissioner For Trademarks, Box TTAB – Fee, 2900 Crystal Drive, Arlington, Virginia 22202-3514

FOSTER PEPPER & SHEFELMAN PLLC

A handwritten signature in cursive script that reads "Tracy M. Floren".

Tracy M. Floren
August 30, 2002

FOSTER PEPPER & SHEFELMAN PLLC

ATTORNEYS AT LAW



U.S. Patent & TMO/TM Mail Rcpt. Dt. #57



08-30-2002

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August 30, 2002

VIA EXPRESS MAIL NO. EL631093542US

Commissioner for Trademarks
Box Trademark Trial and Appeal Board – Fee
U.S. Patent and Trademark Office
2900 Crystal Drive
Arlington, Virginia 22202-3513

Re: Notice of Opposition - DIRECTED
Serial No. 76/132,517

Dear Ladies and Gentlemen:

Enclosed is a Notice of Opposition by DIRECTV, Inc., a corporation having its principle place of business at 2230 East Imperial Highway El Segundo, CA 90245, by and through its attorneys, in the matter of Application Serial No. 76/132,517 published in the Official Gazette on July 2, 2002.

This Notice of Opposition is being submitted in duplicate as required by 37 CFR § 2.104, and with a check in the amount of \$300.00 to cover the fees required by CFR § 2.6(a) (17).

Please stamp the enclosed self-addressed postcard with the date on which the Notice of Opposition was received by your office and, if possible, indicate the opposition number on the card.

The address of the applicant, as indicated in the files of the U.S. Patent and Trademark Office, is DIRECTED ELECTRONICS, Inc., California Corporation, One Viper Way, Vista, CA 92083-8491. The correspondent's address is the same.

If the filing fee is found to be insufficient for any reason, please charge such deficiency to our Deposit Account Number 06-1629.

Please direct all future correspondence regarding this opposition to my attention.

02 SEP 11 AM 12:18
TRADEMARK TRIAL AND
APPEAL BOARD
AVENUE
SUITE 3400
SEATTLE
WASHINGTON
98101-3299

Telephone
(206) 447-4400
Facsimile
(206) 447-9700
Website
WWW.FOSTER.COM

ANCHORAGE
Alaska

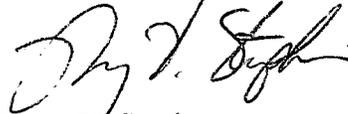
PORTLAND
Oregon

SEATTLE
Washington

SPOKANE
Washington

Sincerely,

FOSTER PEPPER & SHEFELMAN PLLC

A handwritten signature in black ink, appearing to read "Nancy V. Stephens". The signature is written in a cursive style with a large initial "N" and "S".

Nancy V. Stephens