

ESTTA Tracking number: **ESTTA92631**

Filing date: **08/01/2006**

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

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	LoJack Corporation
Granted to Date of previous extension	08/05/2006
Address	200 Lowder Brook Drive Suite 1000 Westwood, MA 02090 UNITED STATES

Correspondence information	Richard B. Verner Sullivan & Worcester LLP 1290 Avenue of the Americas 29th Floor New York, NY 10104 UNITED STATES rverner@sandw.com Phone:212-660-3035
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Applicant Information

Application No	78706731	Publication date	06/06/2006
Opposition Filing Date	08/01/2006	Opposition Period Ends	08/05/2006
Applicant	Jackie Dean Hibbard 1911 Riverlawn Dr. Kingwood, TX 77339 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Audio recordings featuring a musical artist or group; downloadable musical sound recordings; downloadable ring tones, graphics and music via a global computer network and wireless devices; downloadable video recordings featuring a musical artist or group; sound recordings featuring a musical artist or group; video recordings featuring a musical artist or group; visual recordings and audio visual recordings featuring music and animation
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Attachments	Hibbard Notice of Opposition.pdf (3 pages)(110979 bytes)
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Signature	/Richard B. Verner/
Name	Richard B. Verner
Date	08/01/2006

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

In The Matter of Application Serial No. 78/706,731
For the trademark: LO JACK
Published in the *Official Gazette* on June 6, 2006

LOJACK CORPORATION)	
)	
Opposer,)	
v.)	Opposition No.
)	
JACKIE DEAN HIBBARD)	
)	
Applicant.)	

NOTICE OF OPPOSITION

LoJack Corporation (“Opposer”), a Massachusetts corporation, having its principal place of business at 200 Lowder Brook Drive, Suite 1000, Westwood, Massachusetts 02090, believes it will be damaged by registration of the mark shown in Application Serial No. 78/706,731 and opposes the same.

The grounds for opposition are as follows:

1. For many years Opposer has manufactured, advertised, and sold vehicle theft prevention and recovery devices and provided related services which permit the tracking, location and monitoring of stolen vehicles.
2. Since long prior to the filing date of Applicant’s intent-to-use application opposed herein, Opposer has marketed and sold its products and services under its world-famous trademark LOJACK and has operated under the name LoJack Corporation.
3. Opposer owns United States Registration No. 2,690,539 for the mark LOJACK for “transponder units for preventing theft of vehicles for personal and industrial use; police tracking computers” in International Class 9 and “theft recovery services, namely, tracking,

locating and monitoring of vehicles via a computer network” in International Class 45. Opposer also owns other United States trademark registrations and applications, including Registration No. 2,695,299 for the mark THE LOJACK TRACKER for “newsletters for members of a stolen commercial and industrial vehicle recovery network” in International Class 16, and Application Serial No. 76/642,613 for the mark LOJACK FOR LAPTOPS for “transponder units for preventing theft of laptop computers for personal and commercial use; police tracking computers” in International Class 9 and “theft recovery services, namely, tracking, locating and monitoring of laptop computers via a computer network” in International Class 45.

4. Opposer has sold many millions of dollars worth goods and services under its LOJACK mark throughout the United States, and has spent millions of dollars advertising and promoting its LOJACK mark throughout the United States.

5. As a result of Opposer’s extensive sales and marketing, the LOJACK mark has become extremely well-known throughout the United States, and the consuming public has come to recognize the term LOJACK as designating Opposer and its theft-recovery products and services. Accordingly, Opposer has developed extremely valuable goodwill in its LOJACK trademark.

6. On September 4, 2005, Applicant filed an application to register the mark LO JACK based on an intent to use the mark for “audio recordings featuring a musical artist or group; downloadable musical sound recordings; downloadable ring tones, graphics and music via a global computer network and wireless devices; downloadable video recordings featuring a musical artist or group; sound recordings featuring a musical artist or group; video recordings featuring a musical artist or group; visual recordings and audio visual recordings featuring music and animation” in International Class 9. The application was assigned Serial No. 78/706,731.

7. Applicant's registration of LO JACK is without Opposer's consent and any use by Applicant of the mark LO JACK will be without Opposer's consent.

8. Applicant's use of LO JACK in connection with the above-identified goods is likely to cause confusion, mistake or deception with Opposer and its LOJACK mark, and is likely to cause consumers and others to believe that Applicant's goods are produced by Opposer or that Applicant or its goods are authorized, approved or sponsored by Opposer.

9. Applicant's use of LO JACK is likely to dilute the distinctive nature of Opposer's famous LOJACK mark, and will harm Opposer, its business and goodwill.

WHEREFORE, Opposer believes it will be damaged by Applicant's registration of the trademark LO JACK and prays that registration of Application Serial No. 78/706,731 be refused.

Opposer submits the requisite filing fee of \$300. Please address all correspondence to the undersigned counsel for Opposer.

Dated: August 1, 2006

Sullivan & Worcester LLP

By: 

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Kimberly B. Herman
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212-660-3000

Attorneys for Opposer