

#151, Gulf Breeze, Florida 32561 (hereinafter "Applicant"), Applicant for Application Serial No. 78/827,301 for the mark GET SIRIUS filed in International Class 16 on March 2, 2006 and published for opposition on October 17, 2006 (hereinafter the "Application"), and hereby opposes said Application.

The grounds for opposition are:

1. Opposer is a provider of radio broadcasting services via satellite, internet, cable television and mobile telephones. Opposer also manufactures and distributes electronic hardware products through which such broadcasting services are received.
2. Opposer operates a website located at www.sirius.com through which its goods and services are provided. In addition to the foregoing, Opposer sells merchandise bearing its SIRIUS name and mark, such as mugs, key chains, bags, hats and shirts. Opposer also distributes newsletters under its SIRIUS name and mark.
3. Opposer has spent millions of dollars in advertising and promotional campaigns building widespread recognition of its SIRIUS name and mark, and owns numerous trademark applications and registrations which are comprised of or include the term SIRIUS.
4. Opposer is the owner of Federal Registration No. 3,121,059 for the mark GET SIRIUS issued July 25, 2006 for "equipment for receiving broadcast radio transmissions, namely radios, tuners, decoders, demodulators, receivers and antennas" in International Class 9; "computerized online retail services in the field of music" in International Class 35; and "broadcasting services, namely a multi-channel radio service broadcast directly to vehicles and stationary objects" in International Class 38. This registration claims a date of first use and first use in commerce at least as early as March 2003. A true copy of this registration is attached as Exhibit A.
5. Opposer is the owner of allowed Application Serial No. 76/335,417 for the mark ARE YOU READY TO GET SIRIUS? filed November 7, 2001 for "equipment for receiving

broadcast radio transmissions, namely radios, tuners, decoders, demodulators, receivers and antennas” in International Class 9; “computerized on-line retail services in the field of music” in International Class 35; and “broadcasting services, namely a multi-channel radio service broadcast directly to vehicles and stationary objects” in International Class 38. A true copy of the Notice of Allowance issued in this application is attached as Exhibit B.

6. Opposer is the owner of Federal Registration No. 3,071,291 for the mark SIRIUS issued March 21, 2006 for “broadcasting services, namely a multi-channel radio service broadcast nationally to vehicles and stationary objects” in International Class 38. This registration claims a date of first use and first use in commerce at least as early as November 1999. A true copy of this registration is attached as Exhibit C.

7. Opposer is the owner of Federal Registration No. 3,114,505 issued July 11, 2006 for the mark SIRIUS for “equipment for receiving radio transmissions broadcast by satellite, namely, radios, tuners, decoders, demodulators and receivers” in International Class 9. This registration claims a date of first use and first use in commerce at least as early as February 2001. A true copy of this registration is attached as Exhibit D.

8. Opposer is the owner of Federal Registration No. 2,481,900 for the mark SIRIUS issued August 28, 2001 for “stereo equipment, namely, amplifiers” in International Class 9. This registration claims a date of first use at least as early as July 1990 and a date of first use in commerce at least as early as January 1999. A true copy of this registration is attached at Exhibit E.

9. Opposer is the owner of Federal Registration No. 3,204,232 for the mark SIRIUS issued January 30, 2007 for “equipment for receiving broadcast radio transmissions, namely radios, tuners, decoders, demodulators, receivers and antennas” in International Class 9; “electronic retailing services via computer featuring music” in International Class 35; and “broadcasting services, namely a multi-channel radio service broadcast directly to vehicles and

stationary objects” in International Class 38. This registration claims a date of first use and first use in commerce at least as early as November 1999. A true copy of this registration is attached as Exhibit F.

10. Opposer is the owner of Federal Registration No. 3,114,506, for the mark SIRIUS issued July 11, 2006 for “equipment for receiving broadcast radio transmissions, namely radios, tuners, decoders, demodulators, receivers and antennas” in International Class 9; “electronic retailing services via computer featuring music” in International Class 35; and “broadcasting services, namely a multi-channel radio service broadcast directly to vehicles and stationary objects” in International Class 38. This registration claims a date of first use and first use in commerce at least as early as November 1999. A true copy of the registration is attached as Exhibit G.

11. Opposer is the owner of allowed Application Serial No. 75/778,344 for the mark SIRIUS RADIO filed August 18, 1999 for “equipment for receiving radio transmissions broadcast by satellite, namely, radios, tuners, decoders, demodulators and receivers” in International Class 9. The term RADIO is disclaimed, rendering SIRIUS as the dominant portion of the mark. A true copy of the Notice of Allowance for this application is attached as Exhibit H.

12. Opposer is the owner of allowed Application Serial No. 75/777,847 for the mark SIRIUS RADIO filed August 17, 1999 for “broadcasting services, namely a multi-channel radio service broadcast nationally to vehicles and stationary objects” in International Class 38. The term RADIO is disclaimed, rendering SIRIUS as the dominant portion of the mark. A true copy of the Notice of Allowance for this application is attached as Exhibit I.

13. Opposer is the owner of Federal Registration No. 3,117,441 for the mark SIRIUS SATELLITE RADIO issued July 18, 2006 for “equipment for receiving broadcast radio transmissions, namely, radios, tuners, decoders, demodulators, receivers and antennas” in

International Class 9; and “broadcasting services, namely a multi-channel radio service broadcast directly to vehicles and stationary objects” in International Class 38. The registration claims a date of first use and first use in commerce at least as early as November 1999. A true copy of this registration is attached as Exhibit J.

14. The above-referenced marks, namely, GET SIRIUS, ARE YOU READY TO GET SIRIUS?, SIRIUS, SIRIUS RADIO and SIRIUS SATELLITE RADIO are hereinafter referred to collectively as “Opposer’s Marks”.

15. In addition to the marks referenced herein, SIRIUS is the common element of several other marks that are used and/or pending registration by Opposer, and is a common name by which Opposer and its brand are known.

16. Opposer’s Marks identify Opposer as a source of a variety of high quality goods and services.

17. Opposer’s Marks, products, and services have been the subject of extensive press and media coverage.

18. In part due to the media attention given to Opposer’s Marks, and in part due to Opposer’s extensive use of Opposer’s Marks, they have acquired enormous value and good will and have become extremely well-known and famous.

19. The Application seeks registration of the mark GET SIRIUS for “bumper stickers; decals” in International Class 16.

20. The term GET SIRIUS covered by the Application is identical to Opposer’s GET SIRIUS mark. The term GET SIRIUS covered by the Applicant also invokes the viewer to “get” -- i.e. to acquire -- “SIRIUS” -- i.e. goods and services offered by Sirius/Opposer. Moreover, the Application covers bumper stickers and decals, both of which are goods commonly used for the purpose of promoting radio stations.

21. There is a strong likelihood that consumers viewing the mark GET SIRIUS in respect of the goods for which registration is sought are likely to believe that such goods derive from the same source as the goods and services sold under Opposer's Marks, or are affiliated, connected, associated, sponsored, approved or authorized by Opposer, whereby registration of the GET SIRIUS mark to Applicant would seriously damage Opposer in that it would be likely to cause confusion, deception or mistake among consumers and dilute the distinctiveness of Opposer's Marks.

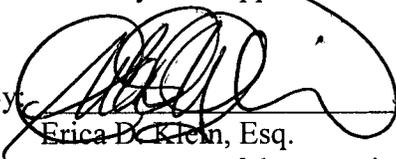
WHEREFORE, Opposer prays that this opposition be sustained and that Application Serial No. 78/827,301 for the proposed mark GET SIRIUS be refused registration.

This Notice is being filed in duplicate and a check in the amount of \$300.00 is enclosed herewith to cover the requisite filing fee. Please charge any additional fees and/or credit any overpayments to Deposit Account No. 50-0540.

Please direct all communications regarding this Opposition proceeding to Opposer's counsel at the address shown below.

KRAMER LEVIN NAFTALIS & FRANKEL LLP
Attorneys for Opposer

Date: February 14, 2007

By: 

Erica D. Klein, Esq.

1177 Avenue of the Americas
New York, New York 10036
(212) 715-9205 (telephone)
(212) 715-8000 (fax)
ektm@kramerlevin.com

EXHIBIT A

Int. Cls.: 9, 35, and 38

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 102, and 104

United States Patent and Trademark Office

Reg. No. 3,121,059

Registered July 25, 2006

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

GET SIRIUS

SIRIUS SATELLITE RADIO INC. (DELAWARE CORPORATION)
1221 AVENUE OF THE AMERICAS, 36TH FLOOR
NEW YORK, NY 10020

FOR: EQUIPMENT FOR RECEIVING BROADCAST RADIO TRANSMISSIONS, NAMELY, RADIOS, TUNERS, DECODERS, DEMODULATORS, RECEIVERS AND ANTENNAS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 3-0-2003; IN COMMERCE 3-0-2003.

FOR: COMPUTERIZED ONLINE RETAIL SERVICES IN THE FIELD OF MUSIC, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 3-0-2003; IN COMMERCE 3-0-2003.

FOR: BROADCASTING SERVICES, NAMELY A MULTI-CHANNEL RADIO SERVICE BROADCAST DIRECTLY TO VEHICLES AND STATIONARY OBJECTS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 3-0-2003; IN COMMERCE 3-0-2003.

OWNER OF U.S. REG. NO. 2,481,900.

SN 75-838,490, FILED 11-2-1999.

VIVIAN MICZNIK FIRST, EXAMINING ATTORNEY

EXHIBIT B

U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

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

ISSUE DATE: Sep 27, 2005

ERICA D. KLEIN
KRAMER LEVIN, NAFTALIS, FRANKEL LLP
919 3RD AVE FL 38
NEW YORK NY 10022-3852

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

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have six (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION.

Please note that both the "Statement of Use " and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "File a PRE-registration form"), to avoid the possible omission of important informaton. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

The following information should be reviewed for accuracy:

SERIAL NUMBER: 76/335417
MARK: ARE YOU READY TO GET SIRIUS?
OWNER: Sirius Satellite Radio Inc.
1221 Avenue of the Americas, 36th Floor
New York , NEW YORK 10020

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

Section 1(a): NO

Section 1(b): YES

Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

- 009 - equipment for receiving broadcast radio transmissions, namely, radios, tuners, decoders, demodulators, receivers and antennas
- 035 - computerized on-line retail services in the field of music
- 038 - broadcasting services, namely a multi-channel radio service broadcast directly to vehicles and stationary objects

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

EXHIBIT C

Int. Cl.: 38

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

Reg. No. 3,071,291

United States Patent and Trademark Office

Registered Mar. 21, 2006

**SERVICE MARK
PRINCIPAL REGISTER**

SIRIUS

SIRIUS SATELLITE RADIO INC. (NEW YORK
CORPORATION)
1221 AVENUE OF THE AMERICAS
36TH FLOOR
NEW YORK, NY 10020

NATIONALLY TO VEHICLES AND STATIONARY
OBJECTS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 11-0-1999; IN COMMERCE 11-0-1999.

SN 75-769,598, FILED 8-6-1999.

FOR: BROADCASTING SERVICES, NAMELY A
MULTI-CHANNEL RADIO SERVICE BROADCAST

GINA HAYES, EXAMINING ATTORNEY

EXHIBIT D

Int. Cl.: 9

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

United States Patent and Trademark Office

Reg. No. 3,114,505

Registered July 11, 2006

**TRADEMARK
PRINCIPAL REGISTER**

SIRIUS

SIRIUS SATELLITE RADIO INC. (DELAWARE
CORPORATION)
1221 AVENUE OF THE AMERICAS
36TH FLOOR
NEW YORK, NY 10020

FOR: EQUIPMENT FOR RECEIVING RADIO
TRANSMISSIONS BROADCAST BY SATELLITE,
NAMELY, RADIOS, TUNERS, DECODERS, DEMO-

DULATORS AND RECEIVERS , IN CLASS 9 (U.S.
CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-0-2001; IN COMMERCE 2-0-2001.

SN 75-778,346, FILED 8-18-1999.

GINA HAYES, EXAMINING ATTORNEY

EXHIBIT E

Int. Cl.: 9

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

Reg. No. 2,481,900

United States Patent and Trademark Office

Registered Aug. 28, 2001

New Cert.

OG Date Sep. 16, 2003

**TRADEMARK
PRINCIPAL REGISTER
REGISTRATION ASSIGNED**

SIRIUS

SIRIUS SATELLITE RADIO INC. (DELA-
WARE CORPORATION)
1221 AVENUE OF THE AMERICAS
NEW YORK, NY 10020, BY ASSIGN-
MENT AMPSPEAKER APS (DENMARK
CORPORATION) DK-2680 SOLROD
STRAND, COPENHAGEN, DENMARK

FOR: STEREO EQUIPMENT,
NAMELY, AMPLIFIERS, IN CLASS 9
(U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 7-0-1990; IN COMMERCE
1-0-1999.

SER. NO. 75-979,592, FILED 2-11-1998.

*In testimony whereof I have hereunto set my hand
and caused the seal of The Patent and Trademark
Office to be affixed on Sep. 16, 2003.*

DIRECTOR OF THE U.S. PATENT AND TRADEMARK OFFICE

EXHIBIT F

Int. Cls.: 9, 35, and 38

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 102, and 104

United States Patent and Trademark Office

Reg. No. 3,204,232

Registered Jan. 30, 2007

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

SIRIUS

SIRIUS SATELLITE RADIO INC. (DELAWARE CORPORATION)
36TH FLOOR
1221 AVENUE OF THE AMERICAS
NEW YORK, NY 10020

FOR: EQUIPMENT FOR RECEIVING BROADCAST RADIO TRANSMISSIONS, NAMELY, RADIOS, TUNERS, DECODERS, DEMODULATORS, RECEIVERS AND ANTENNAS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-0-2001; IN COMMERCE 2-0-2001.

FOR: ELECTRONIC RETAILING SERVICES VIA COMPUTER FEATURING MUSIC, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-0-2004; IN COMMERCE 4-0-2004.

FOR: BROADCASTING SERVICES, NAMELY A MULTI-CHANNEL RADIO SERVICE BROADCAST DIRECTLY TO VEHICLES AND STATIONARY OBJECTS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 11-0-1999; IN COMMERCE 11-0-1999.

OWNER OF U.S. REG. NO. 2,914,720.

SN 75-796,898, FILED 9-10-1999.

VIVIAN MICZNIK FIRST, EXAMINING ATTORNEY

EXHIBIT G

Int. Cls.: 9, 35, and 38

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 102, and 104

United States Patent and Trademark Office

Reg. No. 3,114,506

Registered July 11, 2006

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

SIRIUS

SIRIUS SATELLITE RADIO INC. (DELAWARE CORPORATION)
1221 AVENUE OF THE AMERICAS
36TH FLOOR
NEW YORK, NY 10020

FOR: EQUIPMENT FOR RECEIVING BROADCAST RADIO TRANSMISSIONS, NAMELY, RADIOS, TUNERS, DECODERS, DEMODULATORS, RECEIVERS AND ANTENNAS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-0-2001; IN COMMERCE 2-0-2001.

FOR: ELECTRONIC RETAILING SERVICES VIA COMPUTER FEATURING MUSIC, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-0-2004; IN COMMERCE 4-0-2004.

FOR: BROADCASTING SERVICES, NAMELY A MULTI-CHANNEL RADIO SERVICE BROADCAST DIRECTLY TO VEHICLES AND STATIONARY OBJECTS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 11-0-1999; IN COMMERCE 11-0-1999.

THE DRAWING OF THE MARK IS LINED FOR THE COLOR BLUE.

SN 75-796,884, FILED 9-10-1999.

GINA HAYES, EXAMINING ATTORNEY

EXHIBIT H

U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

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ISSUE DATE: Jun 7, 2005

ERICA D. KLIEN,
KRAMER LEVIN NAFTALIS & FRANKEL,LLP
919 THIRD AVENUE
NEW YORK, NEW YORK 10022

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

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The following information should be reviewed for accuracy:

SERIAL NUMBER: 75/778344
MARK: SIRIUS RADIO
OWNER: SIRIUS SATELLITE RADIO INC.
1221 AVENUE OF THE AMERICAS
36TH FLOOR
NEW YORK , NEW YORK 10020

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

Section 1(a): NO

Section 1(b): YES

Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

009 - equipment for receiving radio transmissions broadcast by satellite, namely, radios, tuners, decoders, demodulators and receivers

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

EXHIBIT I

U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

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ISSUE DATE: Sep 27, 2005

BETH D. KLEIN,
KRAMER LEVIN NAFTALIS & FRANKEL LLP
919 THIRD AVE
NEW YORK NY 10022

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

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Please note that both the "Statement of Use " and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

The following information should be reviewed for accuracy:

SERIAL NUMBER: 75/777847
MARK: SIRIUS RADIO
OWNER: SIRIUS SATELLITE RADIO INC.
36TH FLOOR
1221 AVENUE OF THE AMERICAS
NEW YORK , NEW YORK 10020

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

Section 1(a): NO

Section 1(b): YES

Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

038 - broadcasting services, namely a multi-channel radio service broadcast nationally to vehicles and stationary objects

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS

EXHIBIT J

Int. Cls.: 9 and 38

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, and 104

United States Patent and Trademark Office

Reg. No. 3,117,441

Registered July 18, 2006

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

SIRIUS SATELLITE RADIO

SIRIUS SATELLITE RADIO INC. (DELAWARE CORPORATION)
36TH FLOOR
1221 AVENUE OF THE AMERICAS
NEW YORK, NY 10020

FOR: EQUIPMENT FOR RECEIVING BROADCAST RADIO TRANSMISSIONS, NAMELY, RADIOS, TUNERS, DECODERS, DEMODULATORS, RECEIVERS AND ANTENNAS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-0-2001; IN COMMERCE 2-0-2001.

FOR: BROADCASTING SERVICES, NAMELY A MULTI-CHANNEL RADIO SERVICE BROADCAST

DIRECTLY TO VEHICLES AND STATIONARY OBJECTS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 11-0-1999; IN COMMERCE 11-0-1999.

OWNER OF U.S. REG. NO. 2,914,720.

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

SN 75-796,701, FILED 9-10-1999.

VIVIAN MICZNIK FIRST, EXAMINING ATTORNEY