

ESTTA Tracking number: **ESTTA142491**

Filing date: **05/24/2007**

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	Britannia Investment Corporation
Granted to Date of previous extension	05/30/2007
Address	2550 Britannia Boulevard, Suite F San Diego, CA 92154-7408 UNITED STATES

Attorney information	Crystal Biggs One Viper Way Vista, CA 92081 UNITED STATES christie.biggs@directed.com Phone:(760) 599-1398
----------------------	--

Applicant Information

Application No	78915719	Publication date	01/30/2007
Opposition Filing Date	05/24/2007	Opposition Period Ends	05/30/2007
Applicant	Allstar Marketing Group 4 Skyline Drive Hawthorne, NY 10532 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Portable stereo speakers

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Mark Cited by Opposer as Basis for Opposition

U.S. Application No.	78791753	Application Date	01/13/2006
Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	MIDOCK		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	Class 009. First use: First Use: 2006/09/07 First Use In Commerce: 2006/09/12 Docking stations for media players

Attachments	78791753#TMSN.jpeg (1 page)(bytes) Notice of Opposition.pdf (3 pages)(69357 bytes)
-------------	--

Signature	//CRYSTAL BIGGS//
Name	Crystal Biggs
Date	05/24/2007

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

BRITANNIA INVESTMENT CORPORATION))	
)	
Opposer,)	
)	Opposition No.:
vs.)	
)	Serial No.: 78915719
ALLSTAR MARKETING GROUP)	Mark: MIDOCKIT
)	
)	
)	
Applicant.)	

NOTICE OF OPPOSITION

In the matter of Application Serial No. 78-915719 for registration of the mark MIDOCKIT (herein "the Mark") in International Class 009 by Allstar Marketing Group (herein "Applicant"), which was published in the Official Gazette of January 30, 2007, Britannia Investment Corporation, having a business address of 2550 Britannia Boulevard, Suite F, San Diego, CA 92154-7408 (herein "Opposer"), believes it will be damaged by the registration and therefore opposes on the following grounds:

- 1.) Applicant seeks to register the Mark in connection with "Portable stereo speakers" in International Class 009.
- 2.) The opposed application, Serial No. 78915719, was filed on June 23, 2006.
- 3.) Opposer is informed and believes and thereon alleges that Applicant has commenced use of the Mark or intends imminently to do so.

4.) Opposer is informed and believes and thereon alleges that Opposer has superior rights to the Mark based upon prior use of the stylized mark MIDOCK (herein "MIDOCK"), which use has afforded Opposer superior rights in said Mark.

5.) Opposer is the owner of application, Serial No. 78791753, which is valid and subsisting.

6.) Opposer has been, and is now, using the mark MIDOCK on said goods, including docking stations for media players. Said use has been valid and continuous since said date of first use and has not been abandoned. Opposer's MIDOCK mark is symbolic of extensive good will and consumer recognition built up by Opposer through substantial amounts of time and effort in advertising and promotion.

7.) Opposer alleges that the applied-for mark so resembles Opposer's mark that, as used in connection with the applied-for goods, it is likely to cause confusion, mistake, or deception of the relevant trade and public, to the damage of Opposer as described in Section 2(d) of the Lanham Act.

8.) Opposer alleges that the Applicant's use of the applied-for Mark will dilute the unique and distinctive significance of Opposer's MIDOCK mark to identify and distinguish the Opposer's goods, as described in Section 43(a) and/or (c) of the Lanham Act.

Wherefore, Opposer prays that this opposition be sustained, that Application Serial No. 78-915719 be rejected and the mark applied-for therein refused registration.

A fee in the amount of \$300.00 per class is due in connection with this Notice of Opposition. Please charge my deposit account, #041160 with the requisite amount.

Correspondence in connection with this Notice of Opposition should be sent to:

Attention: Crystal Biggs, One Viper Way, Vista, California 92081.

Respectfully Submitted,

BRITANNIA INVESTMENT CORPORATION

A handwritten signature in cursive script, appearing to read 'Crystal Biggs', with a long horizontal flourish extending to the right.

Crystal Biggs

Attorney for Opposer

One Viper Way

Vista, CA 92081

Telephone: (760) 598-6200 ext. #1298

Facsimile: (760) 599-1389

Date: May 24, 2007