

ESTTA Tracking number: **ESTTA524648**

Filing date: **03/04/2013**

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	Jeff Volk, Express Communications
Granted to Date of previous extension	03/03/2013
Address	PO BOX 828 Pismo Beach, CA 93448 UNITED STATES
Attorney information	Victoria Carver Carver Law PO BOX 206 BELLEFONTE, PA 16823 UNITED STATES vc@etmlaw.com Phone:805-964-9777

Applicant Information

Application No	85235142	Publication date	09/04/2012
Opposition Filing Date	03/04/2013	Opposition Period Ends	03/03/2013
International Registration No.	NONE	International Registration Date	NONE
Applicant	Inmarsat Global Xpress Limited 99 City Road London, EC1Y1AX UNITED KINGDOM		

Goods/Services Affected by Opposition

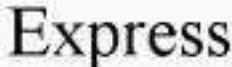
<p>Class 009. Opposed goods and services in the class: satellite terminals, computer servers and computers; computer software and computer peripherals for the provision and management of news, weather, sporting events and other information applications including the Internet; computer hardware, computer memories and computer drives for storage and retrieval of digital content;</p>
<p>Class 038. Opposed goods and services in the class: electronic mail services; telecommunications services, namely, transmission of voice, data, graphics, images, audio and video by means of telecommunications networks; radio satellite ship to shore telecommunication services, namely, transmission of online information, web pages, programs and data by means of telecommunications networks, wireless communication networks and the Internet; communication and broadcasting services, namely, transmission of voice, audio, visual images and data by telecommunications networks, wireless communications networks, the Internet, information services networks and data networks and Internet, information services networks and data networks and Internet broadcasting services; communication services to enable online, real-time engagement between Internet users</p>

and content providers, namely, providing Internet access; electronic transmission of data, visual images, sound, and graphics by television and video broadcasting; computer aided transmission of messages and images, namely, electronic transmission of messages and images; information transmission services via digital networks and satellite transmission services;

Grounds for Opposition

Priority and likelihood of confusion	Trademark Act section 2(d)
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Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3026855	Application Date	03/31/2004
Registration Date	12/13/2005	Foreign Priority Date	NONE
Word Mark	EXPRESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 009. First use: First Use: 1991/06/01 First Use In Commerce: 1992/12/13 apparatus for producing sound, images or audio, video and data communications systems, namely, electronic and optical instruments and components in the form of digital and analog signal transmitters, receivers and converters, radio and telephone transmitters, receivers [and communications servers] ; telephones, wireless and cellular telephones [and answering machines,] telecommunication transmission, receiving, and storage apparatus, namely, telecommunication transceivers, data transmitters, [facsimile machines, electronic mail apparatus for electronic exchange of data images and messages, pagers, paging equipment, facsimile transmitters and receivers, wireless fax machines,] cellular telephone accessories, namely, protective leather cases for cellular telephones, specialty holsters for carrying cellular telephones, cellular telephone housings, hands-free head sets for cellular telephones</p>		

U.S. Registration No.	3913116	Application Date	03/21/2010
Registration Date	02/01/2011	Foreign Priority Date	NONE
Word Mark	EXPRESS		

Design Mark	<h1>Express</h1>
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 1991/06/01 First Use In Commerce: 1992/12/13 Advertising and promotional services; Retail and wholesale stores services featuring electronic devices, devices capable of storing, producing, transmitting, receiving of data, and signals such as sound, images, video, and text, namely, transceivers, telephones, cellular or mobile telephones and fax machines; Retail and wholesale stores services featuring electronic goods and accessories, namely, internal and external components, antennas, vehicle chargers, outlet chargers, batteries, hands-free headsets, carrying cases, pouches, holsters, vehicle mountings, housings, face plates and customizing

U.S. Registration No.	3937502	Application Date	07/25/2010
Registration Date	03/29/2011	Foreign Priority Date	NONE

Word Mark	EXPRESS YOURSELF
Design Mark	<h1>Express Yourself</h1>
Description of Mark	NONE
Goods/Services	Class 035. First use: First Use: 2002/12/26 First Use In Commerce: 2002/12/26 Retail and wholesale stores services featuring electronic devices, devices capable of storing, producing, transmitting, receiving of data, and signals such as sound, images, video, and text, namely, transceivers, telephones, cellular or mobile telephones and fax machines; Retail and wholesale stores services featuring electronic goods and accessories, namely, internal and external components, antennas, vehicle chargers, outlet chargers, batteries, hands-free headsets, carrying cases, pouches, holsters, vehicle mountings, housings, face plates and customizing

U.S. Application No.	85480792	Application Date	11/25/2011
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Registration Date	NONE	Foreign Priority Date	NONE
Word Mark	EXPRESS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1991/06/01 First Use In Commerce: 1992/12/13 Devices capable of storing/producing/computing, transmitting, receiving, data/signals including sound, images/video, and text, namely, transceivers, personal computers, lap-tops, tablet computers, tablet mobile phones, telephones, cellular/mobile telephones, sold as integrated components and separate components. Accessories for the aforementioned goods, namely, internal and external components, namely, antennas, battery chargers, batteries, hands-free headsets, vehicle mountings, housings/face plates, carrying cases/pouches/holsters		

Attachments	78393660#TMSN.jpeg (1 page)(bytes) 77964211#TMSN.jpeg (1 page)(bytes) 85092359#TMSN.jpeg (1 page)(bytes) 85480792#TMSN.jpeg (1 page)(bytes) Notice of Opposition Inmarsat.pdf (3 pages)(8558 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/vcarver/
Name	Victoria Carver
Date	03/04/2013

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

EXPRESS COMMUNICATIONS, LLC,

Opposer

v.

Inmarsat Global Xpress Limited

Applicant.

_____ /

Opposition _____

App. SN. 85-235142

Mark: GLOBAL XPRESS

Victoria A. Carver
Carver Law
Attorney for Opposer
Mailing Address: Post Office Box 206
Bellefonte, PA 16823
(805) 964-9777
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NOTICE OF OPPOSITION

Opposer, Express Communications, LLC, a Limited Liability Company organized and existing under the laws of the state of Nevada, and having a business mailing address of Post Office Box 2212, Lompoc, California, 93438 hereby opposes registration of the mark GLOBAL XPRESS that is the subject of Application Serial No.85-235,142, published in the Official Gazette on September 4, 2012, and requests that registration to Applicant be refused.

As grounds in support of its opposition, Opposer asserts as follows:

1. Opposer, for many years and since long prior to any date of first use upon which Applicant can rely, has adopted and continuously used the term EXPRESS as a trademark for telecomm goods such as telephones, wireless and cellular telephones and related goods and services.

2. Opposer is the owner of a family of “EXPRESS” trademarks as evidenced by U.S. Trademark Registrations, 3026855, 3913116, and 3937502 and U.S. Trademark Application Serial Number 85480792. Said registrations are valid, subsisting, unrevoked, and uncanceled.

3. Applicant filed an application to register the mark GLOBAL XPRESS for numerous goods and services in the telecomm field on February 6, 2011, and was assigned Serial No. 85-235,142.

4. Applicant's mark so resembles Opposer's previously used and registered EXPRESS trademarks as to be likely, when applied to the telecomm related goods and services set forth in Applicant's application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act, 15 U.S.C. Sec. 1052(d), with consequent injury to Opposer, the public and the trade.

WHEREFORE, Opposer prays that the opposition be sustained and that registration to Applicant be refused.

Respectfully submitted,
Express Communications, LLC

By: /VCarver/
Victoria A. Carver
CARVER LAW
Attorney for Opposer
Mailing Address: Post Office Box 206
Bellefonte, PA 16823
(805) 964-9777
vc@etmlaw.com

Date: March 4, 2013

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing NOTICE OF OPPOSITION was served on Applicant's attorney of record on March 4, 2013 via first class mail address to:

Herbert H. Finn
Greenberg Traurig, Llp
77 W. Wacker Dr., Suite 3100
Chicago, Illinois 60601

By: /VCarver/
Victoria A. Carver
CARVER LAW
Attorney for Opposer
Mailing Address: Post Office Box 206
Bellefonte, PA 16823
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CERTIFICATE OF TRANSMITTAL

I hereby certify that a true copy of the foregoing NOTICE OF OPPOSITION is being filed electronically with the TTAB via ESTTA on this day, March 4, 2013.

By: /VCarver/
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