

ESTTA Tracking number: **ESTTA1165**

Filing date: **06/11/2013**

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	VOXX International Corporation
Granted to Date of previous extension	06/12/2013
Address	180 Marcus Blvd. Hauppauge, NY 11788 UNITED STATES

Attorney information	Dianne M. Camelo Levy, Stopol & Camelo, LLP 1425 RXR Plaza Uniondale, NY 11556-1425 UNITED STATES dcamelo@levystopol.com Phone:7516-802-7007
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Applicant Information

Application No	85726166	Publication date	02/12/2013
Opposition Filing Date	06/11/2013	Opposition Period Ends	06/12/2013
Applicant	Samim, Rony 254 N Bristol Los Angeles, CA 90049 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: audio speakers, boom boxes

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	1234338	Application Date	08/23/1979
Registration Date	04/12/1983	Foreign Priority Date	NONE
Word Mark	AUDIOVOX		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 1965/00/00 First Use In Commerce: 1965/00/00 Radios, [Tape Players, CB Transceivers, Amplifiers, Graphic Equalizers, Antennas, Antenna Boosters,] Speakers, Radio Converters and Mounts, Connectors, Cables, Adapters, Relays, and Harnesses Therefor; [Motors and Belts for Tape Players;] Power Supplies, Current Converters, and Voltage Converters [; and Blank Tape Cassettes and Cartridges]

U.S. Registration No.	1432756	Application Date	01/27/1986
Registration Date	03/17/1987	Foreign Priority Date	NONE
Word Mark	AUDIOVOX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1982/09/23 First Use In Commerce: 1982/09/23 AUTOMOBILE SECURITY SYSTEM COMPRISING RADIO FREQUENCY REMOTE CONTROL UNITS, ELECTRIC CURRENT SENSORS, ALARM AND LOUDSPEAKERS		

U.S. Registration No.	3274427	Application Date	11/10/2005
Registration Date	08/07/2007	Foreign Priority Date	NONE
Word Mark	AUDIOVOX		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1988/12/31 First Use In Commerce: 1988/12/31 home, mobile and portable audio, video and electronic equipment and accessories, namely, DVD players, batteries, remote controls, televisions, video monitors, clock radios, home theater systems comprised of DVD players, amplifiers, tuners and loudspeakers, video monitors and televisions with built-in DVD player, satellite radios, satellite radio antennas, compact disc players, two way radios, video cassette players, headphones, MP3 players, portable media players, subwoofers, satellite television receivers, satellite television antennas and dishes, navigation apparatus for vehicles in the nature of on-board computers; mobile video and audio electronic equipment, namely, overhead and headrest video monitors with built in apparatus for transmission, reception or reproduction of sound and/or images, overhead and headrest video monitors, FM modulators, cigarette lighter adapters, rear observation cameras and video monitors, vehicle reverse/backup sensors and warning devices, and docking stations for portable audio and video devices, namely, MP3 players, DVD players and satellite radios		

Attachments	Notice of Opposition 85726166.pdf(188097 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	/dianne s. camelo/
Name	Dianne M. Camelo
Date	06/11/2013

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

In the Matter of Trademark Application Serial No. 85/726,166
Filed September 11, 2012 for the mark AUDIOBOX
Published in the Official Gazette on February 12, 2013 at page TM624

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VOXX INTERNATIONAL CORPORATION,	:	
Opposer,	:	Opposition No.:
	:	
v.	:	
	:	
RONY SAMIM,	:	
Applicant.	:	
-----X	:	

NOTICE OF OPPOSITION

Voxx International Corporation, a Delaware corporation having a principal place of business at 180 Marcus Blvd., Hauppauge, New York 11788 (hereinafter "Voxx" or "Opposer") believes that it will be damaged by registration of Application Serial No. 85/726,166 for the mark AUDIOBOX and hereby opposes said application.

As grounds for opposition, Opposer alleges as follows:

1. Voxx International Corporation, formerly known as Audiovox Corporation, was founded by Voxx's Chairman, John. J. Shalam, in 1965 when the company initially sold aftermarket car stereos. Today, Voxx has grown considerably and is an international distributor of a wide variety of product offerings in the accessory, mobile and consumer electronics industries.

2. Opposer has adopted and continuously used the trademark AUDIOVOX in interstate commerce since at least as early as 1965 to the present to distinguish and identify the source of its high quality consumer electronics products.

3. Through its extensive sales, marketing and continuous and exclusive use for nearly fifty (50) years, Voxx has developed extensive goodwill in the United States and throughout the world with respect to the mark AUDIOVOX.

4. Voxx is the owner of all right, title and interest in and to the following United States Trademark Registrations covering the mark AUDIOVOX for the audio and audio visual products and accessories set forth below:

Registration No.	Issued	Date of First Use	Goods
1,234,338	4/12/1983	1965	Radios, Speakers, Radio Converters and Mounts, Connectors, Cables, Adapters, Relays, and Harnesses Therefor; Power Supplies, Current Converters, and Voltage Converters
1,432,756	3/17/1987	9/23/1982	Automobile Security System Comprising Radio Frequency Remote Control Units, Electric Current Sensors, Alarm and Loudspeakers
3,274,427	8/7/2007	12/31/1988	Home, mobile and portable audio, video and electronic equipment and accessories, namely, DVD players, batteries, remote controls, televisions, video monitors, clock radios, home theater systems comprised of DVD players, amplifiers, tuners and loudspeakers, video monitors and televisions with built-in DVD player, satellite radios, satellite radio antennas, compact disc players, two way radios, video cassette players, headphones, MP3 players, portable media players, subwoofers, satellite television receivers, satellite television antennas and dishes,

<u>Registration No.</u>	<u>Issued</u>	<u>Date of First Use</u>	<u>Goods</u>
			navigation apparatus for vehicles in the nature of on-board computers; mobile video and audio electronic equipment, namely, overhead and headrest video monitors with built in apparatus for transmission, reception or reproduction of sound and/or images, overhead and headrest video monitors, FM modulators, cigarette lighter adapters, rear observation cameras and video monitors, vehicle reverse/backup sensors and warning devices, and docking stations for portable audio and video devices, namely, MP3 players, DVD players and satellite radios

5. Each of the foregoing registrations for the mark AUDIOVOX (the “AUDIOVOX Marks”) are valid and subsisting and have become incontestable pursuant to 15 U.S.C. § 1065. Copies of the Certificates of Registration are annexed hereto as Exhibit A.

6. Since long prior to the filing date of the subject application, Opposer has continuously used the AUDIOVOX Marks on and in connection with a wide variety of consumer electronics products including, but not limited to, those recited in the registrations covering the AUDIOVOX Marks described above (“Opposer’s Goods”).

7. Applicant has filed Application Serial No. 85/726,166 for AUDIOBOX for the following goods: “audio speakers, boom boxes” in International Class 9 (“Applicant’s Goods”).

8. Opposer's extensive use of the AUDIOVOX Marks predates the filing date of the subject intent-to-use application, thereby entitling Opposer to priority in rights over Applicant.

9. Applicant's Goods are identical or virtually identical to Opposer's Goods so that the use of the mark virtually identical AUDIOBOX mark on and in connection with such goods is likely to cause confusion, or to cause mistake or to deceive.

10. Applicant's proposed mark AUDIOBOX is virtually identical to the AUDIOVOX Marks in appearance and pronunciation and creates the same overall commercial impression when used on and in connection with goods which are identical to Opposer's Goods.

11. The mark AUDIOBOX as applied to Applicant's Goods is confusingly and deceptively similar to Opposer's AUDIOVOX Marks, such that the trade and purchasing public will be confused and deceived by believing that Applicant's Goods originate with or are otherwise authorized, sponsored, licensed or associated with Opposer.

12. Upon information and belief, the goods and/or services in connection with which Opposer uses the AUDIOVOX Marks are offered for sale, sold and marketed through the same channels of trade as Applicant's Goods and are offered for sale, sold and marketed to similar classes of purchasers as Applicant's Goods.

13. Through Voxx's marketing, promotion, exclusive use and substantial sales, the AUDIOVOX marks have become famous and any use in commerce by Applicant has occurred after the AUDIOVOX Marks became famous.

14. The use and registration of the mark AUDIOBOX by Applicant is likely to impair the distinctiveness of the AUDIOVOX Marks and is likely to blur and/or tarnish the positive associations of the Opposer's AUDIOVOX Marks.

15. Thus, Applicant's registration and/or use of the designation AUDIOBOX is likely to cause dilution of the distinctive quality of Opposer's AUDIOVOX Marks pursuant to Section 43 of the Lanham Act, 15 U.S.C. § 1125(c).

16. Based on the foregoing, registration of Application Serial No. 85/726,166 will cause damage to Opposer, and registration should, therefore, be denied.

WHEREFORE, it is respectfully requested that the Trademark Trial and Appeal Board refuse registration to Application Serial No. 85/726,166.

Respectfully submitted,

VOXX INTERNATIONAL
CORPORATION

Date: June 11, 2013

By: /s/ Dianne M. Camelo
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EXHIBIT A

Int. Cl.: 9

Prior U.S. Cls.: 21 and 36

United States Patent and Trademark Office

Reg. No. 1,234,338

Registered Apr. 12, 1983

TRADEMARK
Principal Register

AUDIOVOX

Audiovox Corporation (New York corporation)
150 Marcus Ave.
Hauppauge, N.Y. 11787

For: RADIOS, TAPE PLAYERS, CB TRANS-
CEIVERS, AMPLIFIERS, GRAPHIC EQUAL-
IZERS, ANTENNAS, ANTENNA BOOSTERS,
SPEAKERS, RADIO CONVERTERS AND
MOUNTS, CONNECTORS, CABLES, ADAPT-
ERS, RELAYS, AND HARNESES THEREFOR;
MOTORS AND BELTS FOR TAPE PLAYERS;
POWER SUPPLIES, CURRENT CONVERTERS,
AND VOLTAGE CONVERTERS; AND BLANK
TAPE CASSETTES AND CARTRIDGES, in
CLASS 9 (U.S. Cls. 21 and 36).

First use 1965; in commerce 1965.

Owner of U.S. Reg. Nos. 828,480 and 862,420.

Ser. No. 228,658, filed Aug. 23, 1979.

D. HOHEIN, Examining Attorney

VOX

1983
APR 12
REGISTERED

VOX

Int. Cl.: 9

Prior U.S. Cls.: 21 and 26

United States Patent and Trademark Office **Reg. No. 1,432,756**
Registered Mar. 17, 1987

**TRADEMARK
PRINCIPAL REGISTER**

AUDIOVOX

AUDIOVOX CORPORATION (NEW YORK
CORPORATION)
150 MARCUS BOULEVARD
HAUPPAUGE, NY 11787

FOR: AUTOMOBILE SECURITY SYSTEM
COMPRISING RADIO FREQUENCY REMOTE
CONTROL UNITS, ELECTRIC CURRENT SEN-
SORS, ALARM AND LOUDSPEAKERS, IN
CLASS 9 (U.S. CLS. 21 AND 26).

FIRST USE 9-23-1982; IN COMMERCE
9-23-1982.

OWNER OF U.S. REG. NOS. 828,480, 862,420,
AND 1,234,338.

SER. NO. 579,578, FILED 1-27-1986.

TERRY ELLEN HOLTZMAN, EXAMINING AT-
TORNEY

Int. Cl.: 9

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

Reg. No. 3,274,427

United States Patent and Trademark Office

Registered Aug. 7, 2007

TRADEMARK
PRINCIPAL REGISTER

AUDIOVOX

AUDIOVOX CORPORATION (DELAWARE CORPORATION)
150 MARCUS BOULEVARD
HAUPPAUGE, NY 11788

FOR: HOME, MOBILE AND PORTABLE AUDIO, VIDEO AND ELECTRONIC EQUIPMENT AND ACCESSORIES, NAMELY, DVD PLAYERS, BATTERIES, REMOTE CONTROLS, TELEVISIONS, VIDEO MONITORS, CLOCK RADIOS, HOME THEATER SYSTEMS COMPRISED OF DVD PLAYERS, AMPLIFIERS, TUNERS AND LOUDSPEAKERS, VIDEO MONITORS AND TELEVISIONS WITH BUILT-IN DVD PLAYER, SATELLITE RADIOS, SATELLITE RADIO ANTENNAS, COMPACT DISC PLAYERS, TWO WAY RADIOS, VIDEO CASSETTE PLAYERS, HEADPHONES, MP3 PLAYERS, PORTABLE MEDIA PLAYERS, SUBWOOFERS, SATELLITE TELEVISION RECEIVERS, SATELLITE TELEVISION ANTENNAS AND DISHES, NAVIGATION APPARATUS FOR VEHICLES IN THE NATURE OF ON-BOARD COMPUTERS; MOBILE VIDEO AND AUDIO ELECTRONIC EQUIPMENT, NAMELY, OVERHEAD AND HEADREST VIDEO MONITORS WITH BUILT IN APPARATUS FOR TRANSMISSION, RECEP-

TION OR REPRODUCTION OF SOUND AND/OR IMAGES, OVERHEAD AND HEADREST VIDEO MONITORS, FM MODULATORS, CIGARETTE LIGHTER ADAPTERS, REAR OBSERVATION CAMERAS AND VIDEO MONITORS, VEHICLE REVERSE/BACKUP SENSORS AND WARNING DEVICES, AND DOCKING STATIONS FOR PORTABLE AUDIO AND VIDEO DEVICES, NAMELY, MP3 PLAYERS, DVD PLAYERS AND SATELLITE RADIOS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 12-31-1988; IN COMMERCE 12-31-1988.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NOS. 1,234,338, 1,432,756, AND 2,138,694.

SER. NO. 78-751,219, FILED 11-10-2005.

CAROLINE WOOD, EXAMINING ATTORNEY

VIDEO
ELECTRONIC EQUIPMENT
AND ACCESSORIES
NAMELY, DVD PLAYERS,
BATTERIES, REMOTE CONTROLS,
TELEVISIONS, VIDEO MONITORS,
CLOCK RADIOS, HOME THEATER
SYSTEMS COMPRISED OF DVD
PLAYERS, AMPLIFIERS, TUNERS
AND LOUDSPEAKERS, VIDEO
MONITORS AND TELEVISIONS
WITH BUILT-IN DVD PLAYER,
SATELLITE RADIOS, SATELLITE
RADIO ANTENNAS, COMPACT
DISC PLAYERS, TWO WAY
RADIOS, VIDEO CASSETTE
PLAYERS, HEADPHONES, MP3
PLAYERS, PORTABLE MEDIA
PLAYERS, SUBWOOFERS,
SATELLITE TELEVISION
RECEIVERS, SATELLITE
TELEVISION ANTENNAS AND
DISHES, NAVIGATION
APPARATUS FOR VEHICLES
IN THE NATURE OF ON-BOARD
COMPUTERS; MOBILE VIDEO
AND AUDIO ELECTRONIC
EQUIPMENT, NAMELY,
OVERHEAD AND HEADREST
VIDEO MONITORS WITH
BUILT IN APPARATUS FOR
TRANSMISSION, RECEPTION
OR REPRODUCTION OF
SOUND AND/OR IMAGES,
OVERHEAD AND HEADREST
VIDEO MONITORS, FM
MODULATORS, CIGARETTE
LIGHTER ADAPTERS,
REAR OBSERVATION
CAMERAS AND VIDEO
MONITORS, VEHICLE
REVERSE/BACKUP
SENSORS AND WARNING
DEVICES, AND DOCKING
STATIONS FOR PORTABLE
AUDIO AND VIDEO
DEVICES, NAMELY,
MP3 PLAYERS, DVD
PLAYERS AND SATELLITE
RADIOS, IN CLASS 9 (U.S.
CLS. 21, 23, 26, 36 AND 38).