

ESTTA Tracking number: **ESTTA550535**

Filing date: **07/25/2013**

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	SKYFY Networks, LLC		
Entity	Limited Liability Company	Citizenship	Florida
Address	220 S. Ridgewood Ave Daytona Beach, FL 32114 UNITED STATES		

Correspondence information	Dion Natanilov SKYFY Networks, LLC P.O. Box 86 Daytona Beach, FL 32115-0086 UNITED STATES legal@miskyfy.com Phone:1-888-977-5939 ext 8613		
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**Applicant Information**

Application No	85406320	Publication date	06/25/2013
Opposition Filing Date	07/25/2013	Opposition Period Ends	07/25/2013
Applicant	DIRECTV, LLC 2230 EAST IMPERIAL HWY EL SEGUNDO, CA 90245 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 038. All goods and services in the class are opposed, namely: Telecommunications services, namely, satellite communication services; satellite television broadcasting; satellite transmission services; broadcasting television programs; video-on-demand transmission services; transmission of pay-per-view television and other audio, video and audiovisual material; rental of set-top boxes for use with televisions; rental of modems; streaming of audio and video material on the internet, other computer networks, wireless networks and electronic communication networks; transmission of television programming and information related to television programming by means of the internet, other computer networks, wireless networks and electronic communication networks; providing access to the internet; providing access to telecommunication networks; telecommunication access services
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**Grounds for Opposition**

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

U.S. Application/Registration No.	NONE	Application Date	NONE
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Registration Date	NONE
Word Mark	SKYFY
Goods/Services	Telecommunications services, namely wireless communication services; wireless and wired Internet access services; rental and use of modems; rental and use of set-top boxes for use with televisions; transmission of television programming and information related to television programming by means of the Internet, other computer networks, wireless networks and electronic communication networks; streaming of audio and video material on the Internet, computer networks, wireless networks and electronic communication networks; transmission of audio and video material on the Internet, computer networks, wireless networks and electronic communication networks; providing access to the Internet, providing access to telecommunication networks; telecommunication access services.

Attachments	SKYFY_Notice_Of_Opposition-signed.pdf(66104 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	/DION NATANILOV/
Name	Dion Natanilov
Date	07/25/2013

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

In the matter of trademark application **Serial No. 85406320**  
For the mark **SKYFY**  
Published in the Official Gazette on **June 25, 2013**

SKYFY Networks, LLC (Opposer)  
v.  
DIRECTV, LLC (Applicant)

NOTICE OF OPPOSITION

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

**Opposer**

Name: SKYFY Networks, LLC, a Florida Limited Liability Company

Address: P.O. Box 86  
Daytona Beach, FL 32115-0086  
UNITED STATES

**Applicant Information**

Application No: 85406320  
Publication Date: 06/25/2013  
Opposition Period Ends: 07/25/2013  
Opposition Filing Date: 07/25/2013  
Applicant: DIRECTV, LLC  
2230 EAST IMPERIAL HWY  
EL SEGUNDO, CA 90245  
UNITED STATES

**Goods/Services Affected by Opposition**

Class 038. First Use: 2011/05/30 First Use In Commerce: 2011/05/30

Telecommunications services, namely wireless communication services; wireless and wired Internet access services; rental and use of modems; rental and use of set-top boxes for use with televisions; transmission of television programming and information related to television programming by means of the Internet, other computer networks, wireless networks and electronic communication networks; streaming of audio and video material on the Internet, computer networks, wireless networks and electronic communication networks; transmission of audio and video material on the Internet, computer networks, wireless networks and electronic communication networks; providing access to the Internet, providing access to telecommunication networks; telecommunication access services.

SKYFY Networks, LLC, a Florida Limited Liability Company, located and doing business at P.O. Box 86, Daytona Beach, Florida, believes that it will be damaged by registration by DIRECTV, LLC (DIRECTV or “Applicant”) of the mark SKYFY (“Mark”) shown in Application Serial No. **85406320** and hereby opposes the same.

As grounds for opposition, Opposer alleges:

1. DIRECTV filed a trademark application assigned Application Serial No. **85406320** in the United States and Trademark Office (“PTO”) on August 24, 2011 for use in connection with providing “Telecommunication services; satellite television broadcasting; satellite transmission services; broadcasting television programs; video-on-demand transmission services; transmission of pay-per-view television and other audio, video and audiovisual material; rental of set-top boxes for use with televisions; rental of modems; streaming of audio and video material on the Internet, other computer networks, wireless networks and electronic communication networks; transmission of voice, data, graphics, images, audio and video by means of the Internet, other computer networks, wireless networks and electronic communication networks; providing access to the Internet; providing access to telecommunication networks; telecommunication access services” under IC038.
2. The Application filed by DIRECTV on August 24, 2011 (“the Applicant’s Filing Date”) was based on DIRECTV’s Intent to Use: The Applicant has a bona fide intention to use or use through the Applicant’s related company or license the mark in commerce on or in connection with identified goods and/or services.
3. The Opposer is a known telecommunications provider of Internet access and wireless telecommunications services, including wireless communication services, wireless broadband access services, wireless and wired Internet access services, and WiFi Internet access services.
4. The Opposer has actively used Applicant’s Mark with the Applicant’s Services on or before May 30, 2011.
5. The Opposer’s First Use Date is earlier than the Applicant’s Mark Filing Date.
6. Priority: The Opposer’s First Use Date precedes the Applicant’s Filing Date.
7. Applicant’s Mark SKYFY is identical or nearly identical to Opposer’s business name, domain names, and product and service names. The Applicant’s SKYFY Mark is confusingly similar in sound, meaning, and appearance to the Opposer’s SKYFY Mark. The Applicant’s registration and use of the SKYFY Mark would likely create confusion, mistake, or deception in the minds of prospective purchasers as to the origin or source of the Opposer’s Goods associated with SKYFY Mark.

8. The Opposer's Goods and Services and the Applicant's Goods and Services are in the same channels of trade and are viewed by the same customers including those who purchase wireless telecommunication services and access to Internet and online content, such as television and other audio and video materials. Applicant's Goods and Services are therefore substantially similar to the Opposer's Goods and Services with which the Opposer's Mark is used.
9. Purchasers familiar with Opposer's Goods and Services are likely to mistakenly believe that the Applicant's Goods and Services are sponsored by, authorized, endorsed, affiliated with or otherwise approved by the Opposer because the SKYFY Mark sought to be registered and used by the Applicant is identical to or confusingly similar to the Opposer's SKYFY Mark.
10. For the foregoing reasons, the registration sought by Applicant contrary to the provisions of Section 2 of the Lanham Act, and Opposer believes that it would be damaged thereby.
11. On information and belief, at the time Applicant filed the Application, Applicant did not have actual use of Applicant's Mark as a trademark with each of Applicant's Services.
12. WHEREFORE, Opposer respectfully requests that registration of the mark shown in Application Serial No. **85406320** be refused and that this Opposition be sustained in favor of Opposer.

I hereby certify that this correspondence is being deposited electronically to the Trademark Trial and Appeal Board on the date shown below.

By 

Date July 25, 2013

DION NATANILOV  
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Daytona Beach, FL 32114  
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