

ESTTA Tracking number: **ESTTA561337**

Filing date: **09/25/2013**

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 parties oppose registration of the indicated application.

Opposers Information

Name	Comcast Corporation
Granted to Date of previous extension	09/25/2013
Address	1701 John F. Kennedy Boulevard Philadelphia, PA 19103 UNITED STATES

Name	Cox Communications, Inc
Granted to Date of previous extension	09/25/2013
Address	1550 W. Deer Valley Rd. Phoenix, AZ 85027 UNITED STATES

Name	CSC Holdings, LLC
Granted to Date of previous extension	09/25/2013
Address	1111 Stewart Avenue Bethpage, NY 11714 UNITED STATES

Name	Time Warner Cable Inc.
Granted to Date of previous extension	09/25/2013
Address	One Time Warner Center New York, NY 10019 UNITED STATES

Attorney information	Douglas N. Masters LOEB & LOEB LLP 321 N. Clark St., Suite 2300 Chicago, IL 60654 UNITED STATES chdocket@loeb.com, dmasters@loeb.com, rasmith@loeb.com, ngosselin@loeb.com
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Applicant Information

Application No	85732374	Publication date	05/28/2013
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Opposition Filing Date	09/25/2013	Opposition Period Ends	09/25/2013
Applicant	DISH Network L.L.C. 9601 S. Meridian Blvd. Englewood, CO 80112 UNITED STATES		

Goods/Services Affected by Opposition

<p>Class 038.</p> <p>All goods and services in the class are opposed, namely: Telecommunication services, namely, transmission of voice, data, images, graphics, audio, and video by means of wired and wireless networks, communications networks, and global computer information networks; transmission of television broadcasting services via satellite, cable, wireless, fiber optics, and global computer networks; providing satellite and terrestrial services for mobile users for voice, data, audio, video, and fax communications; providing computer communications and data transmission services via radio at remote locations; wireless transmission and networking of messages, communications and data; multi-channel, multi-point distribution services for the high speed, wireless transmission of voice, data, images, graphics, audio, video and faxes; providing multiple-user access to the internet, global computer networks, and electronic communications networks; providing access to world-wide information networks; webcasting audio and visual programming via local and global communications networks; television broadcasting and webcasting audio-visual programming; television broadcasting services via the internet, global computer networks, and electronic communications networks; television broadcasting to handheld mobile devices, namely mobile phones, smartphones, laptops and tablet PC's; providing wireless telecommunications to a global computer network for internet browsing and e-mail messaging through a hand held device; audio and video broadcasting services over the Internet; satellite television broadcasting; satellite transmission services, television and radio broadcasting services; subscription television broadcasting; television transmission services; transmission of radio and television programmes by satellite; transmission of sound, video and information; video transmission over digital networks; providing access to world-wide information networks; streaming of audio and video material on the Internet; streaming of audio and video material via a global computer network; transmission of audio and video material; electronic transmission and streaming of digital media content for others via global and local computer networks; video-on-demand transmission services via wired and wireless networks, communications networks, and global computer information networks</p>

Grounds for Opposition

The mark is merely descriptive	Trademark Act section 2(e)(1)
Genericness	Trademark Act section 23

Attachments	Notice of Opposition re_ DISH ANYWHERE 374.pdf(19091 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	/Douglas N. Masters/
Name	Douglas N. Masters
Date	09/25/2013

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

In The Matter of Application Serial No. 85/732,374: DISH ANYWHERE

CHARTER COMMUNICATIONS, INC.,)	
COMCAST CORPORATION,)	
COX COMMUNICATIONS, INC.,)	
CSC HOLDINGS, LLC, and)	Opposition No. _____
TIME WARNER CABLE INC.,)	
)	
Opposers,)	
)	
v.)	
)	
DISH NETWORK, LLC,)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Charter Communications, Inc., Comcast Corporation, Cox Communications, Inc., CSC Holdings, LLC, and Time Warner Cable Inc. (collectively, “Opposers”) believe they will be damaged by the registration of DISH ANYWHERE, App. Ser. No. 85/732,374, filed by Dish Network, LLC (“Applicant”), and oppose the same.

As grounds for opposition, Opposers allege that:

1. Opposers and Applicant are each telecommunications companies that provide, among other things, television broadcasting services, delivery of pre-recorded video content, and a variety of interactive television services to subscribers.

2. On September 18, 2012, Applicant filed an application to register DISH ANYWHERE, App. Ser. No. 85/732,374, covering “Telecommunication services, namely, transmission of voice, data, images, graphics, audio, and video by means of wired and wireless networks, communications networks, and global computer information networks; transmission of television broadcasting services via satellite, cable, wireless, fiber optics, and global computer

networks; providing satellite and terrestrial services for mobile users for voice, data, audio, video, and fax communications; providing computer communications and data transmission services via radio at remote locations; wireless transmission and networking of messages, communications and data; multi-channel, multi-point distribution services for the high speed, wireless transmission of voice, data, images, graphics, audio, video and faxes; providing multiple-user access to the internet, global computer networks, and electronic communications networks; providing access to world-wide information networks; webcasting audio and visual programming via local and global communications networks; television broadcasting and webcasting audio-visual programming; television broadcasting services via the internet, global computer networks, and electronic communications networks; television broadcasting to handheld mobile devices, namely mobile phones, smartphones, laptops and tablet PC's; providing wireless telecommunications to a global computer network for internet browsing and e-mail messaging through a hand held device; audio and video broadcasting services over the Internet; satellite television broadcasting; satellite transmission services, television and radio broadcasting services; subscription television broadcasting; television transmission services; transmission of radio and television programmes by satellite; transmission of sound, video and information; video transmission over digital networks; providing access to world-wide information networks; streaming of audio and video material on the Internet. streaming of audio and video material via a global computer network; transmission of audio and video material; electronic transmission and streaming of digital media content for others via global and local computer networks; video-on-demand transmission services via wired and wireless networks, communications networks, and global computer information networks” in Class 38 based upon an intent to use the term in commerce.

3. On information and belief, Applicant has used the applied-for term in connection with goods, including digital video recorders and other communications equipment, and services which enable television programming and other content to be broadcast and transmitted to, or accessed from, a variety of display devices including computers, mobile devices, and televisions to subscribers.

4. On information and belief, Applicant intends to use the applied-for term in connection with goods, including digital video recorders and other communications equipment, and services which enable television programming and other content to be broadcast and transmitted to, or accessed from, a variety of display devices including computers, mobile devices, and televisions to subscribers.

5. Others have used the term ANYWHERE in connection with goods and services other than Applicant's, including digital video recorders and other communications equipment, and services which enable television programming and other content to be broadcast and transmitted to, or accessed from, a variety of display devices including computers, mobile devices, and televisions to subscribers.

6. Applicant was aware prior to publication of the applied-for term that others had used ANYWHERE in connection with goods and services other than Applicant's, including digital video recorders and other communications equipment, and services which enable television programming and other content to be broadcast and transmitted to, or accessed from, a variety of display devices including computers, mobile devices, and televisions to subscribers.

7. Applicant is aware that others are continuing to use the term ANYWHERE in connection with goods and services other than Applicant's, including digital video recorders and other communications equipment, and services which enable television programming and other

content to be broadcast and transmitted to, or accessed from, a variety of display devices including computers, mobile devices, and televisions to subscribers.

8. ANYWHERE is descriptive of the applied-for services and related goods, including digital video recorders and other communications equipment and services which enable television programming and other content to be broadcast and transmitted to, or accessed from, a variety of display devices including computers, mobile devices, and televisions to subscribers, or it is a term which has become the common name of such goods and services.

9. ANYWHERE has not become distinctive of Applicant's services in commerce.

10. ANYWHERE is so highly descriptive so as not to be capable of acquiring distinctiveness for Applicant's services.

11. ANYWHERE does not function as a trademark but is merely informational as applied to Applicant's services.

12. ANYWHERE is a generic term for the applied-for services and related goods, including digital video recorders and other communications equipment and services which enable television programming and other content to be broadcast and transmitted to, or accessed from, a variety of display devices including computers, mobile devices, and televisions to subscribers.

13. If Applicant were granted registration of DISH ANYWHERE without a disclaimer of ANYWHERE, Applicant would obtain certain statutory rights, including *prima facie* rights, to the exclusive use of ANYWHERE, all to the damage of Opposers.

14. Registration by Applicant of Application Serial No. 85/732,374 without a disclaimer of ANYWHERE would be inconsistent with Opposers' and others' right to use ANYWHERE descriptively, informationally, or generically.

WHEREFORE, registration by Applicant of Application Serial No. 85/732,374 for the applied-for services would be damaging to Opposers.

Please debit our Deposit Account No. 502876 for the filing fee and any additional necessary fees.

Please address all correspondence to Douglas N. Masters, Loeb & Loeb LLP, 321 North Clark Street, Suite 2300, Chicago, Illinois 60654.

Date: September 25, 2013

LOEB & LOEB LLP

By: /Douglas N. Masters/
Douglas N. Masters
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Attorneys for Opposers

CERTIFICATE OF SERVICE

I, Noreen Gosselin, hereby certify that a copy of the **NOTICE OF OPPOSITION** has been served upon:

Max S. Gratton
Dish Network, LLC
9601 S. Meridien Blvd.
Englewood, CO 80112-5905

via first class mail, postage prepaid, this 25th day of September, 2013.

/Noreen Gosselin/