

ESTTA Tracking number: **ESTTA684514**

Filing date: **07/20/2015**

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	ALK Technologies, Inc.
Granted to Date of previous extension	07/22/2015
Address	457 North Harrison Street Princeton, NJ 08540 UNITED STATES
Attorney information	Gary A. Hecht, Esq. Fox Rothschild LLP P.O. Box 5231 Princeton, NJ 08540 UNITED STATES ghecht@foxrothschild.com, dmcgregor@foxrothschild.com, ipdock-et@foxrothschild.com Phone:215-299-2416

Applicant Information

Application No	86171894	Publication date	03/24/2015
Opposition Filing Date	07/20/2015	Opposition Period Ends	07/22/2015
International Registration No.	NONE	International Registration Date	NONE
Applicant	DST LLC 200 South Biscayne Boulevard, Suite 2790 Miami, FL 33131 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Vehicle safety equipment, namely, an on-board vehicular device comprised of an optical sensor, position sensor, and information processor unit that can monitor a driver's behavior while driving in order to detect driver fatigue
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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.	2478761	Application Date	07/07/1997
Registration Date	08/21/2001	Foreign Priority	NONE

		Date	
Word Mark	COPILOT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1997/08/15 First Use In Commerce: 1997/08/15 vehicle navigation aids consisting of computer software featuring a database ofmap coordinates and locations, a globalpositioning satellite receiver, electrical cable and documentation all sold as a unit		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	COPILOT		
Goods/Services	Navigational aid software, navigational aid software sold on storage devices and storage cards, and downloadable navigational aid software useable with computers, tablets, GPS devices used as standalone, and mobile phones such as Smartphones, among others, and is useable in a vehicle such as a car or truck, or in walking mode		

Attachments	Notice of Opposition - KOPILOT.pdf(115192 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	/-d-/
Name	Deanna M. McGregor
Date	07/20/2015

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

In the matter of Trademark Application Serial No. 86171894
For the mark "KOPILOT"

ALK TECHNOLOGIES INC.	:	Opposition No.
	:	
Opposer,	:	
	:	
v.	:	
	:	
DST LLC	:	
	:	
Applicant.	:	

NOTICE OF OPPOSITION

Opposer, ALK Technologies, Inc., believes that it will be damaged by registration of the mark "KOPILOT", which is the subject of U.S. Trademark Application Serial No. 86171894, and hereby opposes registration of said mark. In support of its Opposition, Opposer alleges the following:

1. Opposer, ALK Technologies, Inc., (hereinafter "ALK" or "Opposer"), is a corporation organized under laws of New Jersey with a business address of 457 North Harrison Street, Princeton NJ 08540-3510.

2. DST LLC., (hereinafter "DST" or "Applicant") is a corporation organized under the laws of Florida having a mailing address of 200 South Biscayne Boulevard, Suite 2790, Miami, FL 33131 .

3. Applicant is the owner of Application Serial No. 86171894 (the "Application"), filed on January 22, 2014, seeking to register the mark "KOPILOT" in standard character form ("Applicant's Mark") for use with "vehicle safety equipment,

namely, an on-board vehicular device comprised of an optical sensor, position sensor, and information processor unit that can monitor a driver's behavior while driving in order to detect driver fatigue" in international class 09.

4. Applicant's Application is based on an intent to use the mark in commerce, and on a foreign registration pursuant to 15 U.S.C. §1126(e).

5. The Application claims priority to Columbia registration no. 33235, filed as application no Application 13174309, and which has a filing date of July 23, 2013. The priority date claimed by the Application is July 23, 2013.

6. Opposer is the owner of and will rely on herein U.S. Registration No. 2478761 (the "Registration") for the mark "COPILOT", as used with "vehicle navigation aids consisting of computer software featuring a database of map coordinates and locations, a global positioning satellite receiver, electrical cable and documentation all sold as a unit" (the "Registered Copilot Mark"). The Registration issued August 21, 2001. A copy of a printout of information from the USPTO's Trademark Electronic Search System (TESS) electronic database showing the current status and title of the registration, along with a printout of the corresponding Assignment database page is attached as Exhibit A.

7. Opposer has and will also assert its common-law rights resulting from its ownership and use of the mark COPILOT in connection with its various goods and services, which uses have not been abandoned, are distinctive or have obtained secondary meaning, and which have been valid and continuous since a date prior to the filing date of the Application, prior to the claimed priority date, and prior to Applicant's first use of its mark. Such common law uses include the mark COPILOT as used with

navigational aid software, navigational aid software sold on storage devices and storage cards, and downloadable navigational aid software (collectively the “Common Law COPILOT Mark”). Opposer’s software is useable with computers, tablets, GPS devices used as standalone, and mobile phones such as Smartphones, among others, and is useable in a vehicle such as a car or truck, or in walking mode. Opposer’s Registered COPILOT Mark and its Common Law COPILOT Mark are collectively referred to herein as the “COPILOT Marks”.

8. Opposer adopted and began using the COPILOT Marks in the United States since at least 1997.

9. Opposer has priority in this Opposition.

10. Opposer has established a valuable reputation and good will in its COPILOT Marks.

11. As grounds for this notice of opposition, Applicant’s Mark so resembles Opposer’s COPILOT Marks, when used on or in conjunction with the goods and services of Applicant, as to be likely to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, Opposer prays that its opposition to the registration of Application Serial No. 86171894 be sustained and that Applicant’s Mark be refused registration in regard to all goods and services in the Application.

Dated: July 20, 2015

Respectfully submitted,

/gah/

Gary A. Hecht

Ryan Miller

Fox Rothschild LLP

2000 Market Street, 20th Floor

Philadelphia, PA 19103

(215) 299-2416

ATTORNEYS FOR OPPOSER

Exhibit A

to

In the matter of Trademark Application Serial No. 86171894
For the mark "KOPILOT"

ALK TECHNOLOGIES INC.	:	Opposition No.
	:	
Opposer,	:	
	:	
v.	:	
	:	
DST LLC	:	
	:	
Applicant.	:	



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Typed Drawing

Word Mark COPILOT

Goods and Services IC 009. US 021 023 026 036 038. G & S: vehicle navigation aids consisting of computer software featuring a database of map coordinates and locations, a global positioning satellite receiver, electrical cable and documentation all sold as a unit. FIRST USE: 19970815. FIRST USE IN COMMERCE: 19970815

Mark Drawing Code (1) TYPED DRAWING

Serial Number 75320685

Filing Date July 7, 1997

Current Basis 1A

Original Filing Basis 1B

Published for Opposition November 28, 2000

Registration Number 2478761

International Registration Number 0858911

Registration Date August 21, 2001

Owner (REGISTRANT) ALK Associates, Inc. CORPORATION NEW JERSEY 1000 Herrontown Road Princeton NEW JERSEY 08540

(LAST LISTED OWNER) ALK TECHNOLOGIES INC. CORPORATION NEW JERSEY 457 North Harrison Street ALK Technologies, Inc. Princeton NEW JERSEY 085403510

Assignment Recorded ASSIGNMENT RECORDED

Attorney of

Record Michael A. Marrero
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110809.
Renewal 1ST RENEWAL 20110809
Live/Dead Indicator LIVE

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[Assignments on the Web](#) > [Trademark Query](#)**Trademark Assignment Abstract of Title****Total Assignments: 1**Serial #: [75320685](#)

Filing Dt: 07/07/1997

Reg #: [2478761](#)

Reg. Dt: 08/21/2001

Registrant: ALK Associates, Inc.

Mark: COPILOT

Assignment: 1Reel/ Frame: [2407/0498](#)

Recorded: 12/11/2001

Pages: 5

Conveyance: CHANGE OF NAME

Assignor: [ALK ASSOCIATES INC.](#)

Exec Dt: 02/01/2001

Entity Type: CORPORATION

Citizenship: NEW JERSEY

Assignee: [ALK TECHNOLOGIES INC.](#)

Entity Type: CORPORATION

Citizenship: NEW JERSEY

1000 HERRONTOWN RD.

PRINCETON, NEW JERSEY 08540

Correspondent: ALK TECHNOLOGIES

MARK HORNUNG

1000 HERRONTOWN RD

PRINCETON, NJ 08540

Search Results as of: 07/20/2015 10:48 AM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.5

Web interface last modified: July 25, 2014 v.2.5