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TRADEMARK

Attorney Docket No. 000291-008001US

Date of Deposit: May 29, 2002

I hereby certify that this paper or fee is being deposited with the United States Postal Service by "First Class Mail" service under 37 CFR 1.8 on the date indicated above and is addressed to the Commissioner for Trademarks, Box TTAB FEE, 2900 Crystal Drive, Arlington, VA 22202-3513.

TOWNSEND AND TOWNSEND AND CREW LLP


Alica Del Valle

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

JOSEPH ENTERPRISES, INC.

Opposer,

v.

MEDIA SOLUTIONS SERVICES

Applicant.

Opposition No. _____

NOTICE OF OPPOSITION

Application No.: 76/160,798
Filed: November 7, 2000
Published: March 26, 2002
Mark: **CO-PILOT**

TRADEMARK TRIAL AND
APPEAL BOARD
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Commissioner for Trademarks
BOX TTAB FEE
2900 Crystal Drive
Arlington, Virginia 22202-3513

Sir:

Opposer JOSEPH ENTERPRISES, INC., a California Corporation, having a business situs and address at 425 California Street, Suite 1300, San Francisco, California 94104, believes that it will be damaged by the registration of the mark **CO-PILOT** shown in Application Serial No. 76/160,798, filed November 7, 2000 by MEDIA SOLUTIONS SERVICES, a New York corporation, having a principal place of business at 440 Park Avenue South, New York, New York 10016, and hereby opposes registration thereof.

As grounds for the opposition, Opposer alleges that:

1. By this application, Applicant is seeking to obtain registration upon the Principal Register of the mark **CO-PILOT** for use with a “telephone apparatus, namely, a hands free remote device which enables the user to operate a telephone without physically handling it.”
2. Since at least as early as 1998, Opposer’s **CO-PILOT** and **VCR CO-PILOT** marks have been used in commerce in connection with remote control devices. Opposer is the owner of U.S. Trademark Registration No. 2,277,897 for the mark **VCR CO-PILOT**, which issued on September 14, 1999, and U.S. Trademark Registration No. 2,378,066 for the mark **CO-PILOT**, which issued on August 15, 2000 (hereinafter collectively referred to as Opposer’s Marks).
3. True and correct copies of the certificates of registration for Opposer’s Marks are attached hereto as Exhibit A.
4. The goods described under the aforementioned registrations have been extensively advertised and marketed under Opposer’s Marks throughout the United States. By virtue of its efforts and the expenditure of considerable sums for promotional activities and the high quality of its products, Opposer has created widespread goodwill under Opposer’s Marks throughout the United States in connection with such goods. Opposer’s Marks have become a valuable asset of Opposer and principal symbols of its extensive goodwill. By reason of such wide use of Opposer’s Marks, the trade and purchasing public have come to recognize Opposer’s Marks as signifying Opposer and as identifying Opposer as the source of the goods offered under Opposer’s Marks.

5. Application Serial No. 76/160,798 for the proposed **CO-PILOT** mark, opposed herein, was filed as an Intent-to-Use application on November 7, 2000, after registrations for Opposer's Marks had issued.

6. Applicant's proposed mark so resembles Opposer's Marks as to be likely to cause confusion, mistake, or deception in the trade and among purchasers as to the source, origin, or sponsorship of Applicant's goods.

7. The goods identified in Application Serial No. 76/160,798 and the goods offered under Opposer's Marks are related and are the type which could be sold in the same channels of trade and to the same prospective purchasers.

8. Because Applicant's proposed mark so resembles Opposer's Marks, is used on related goods, and Applicant offers its goods to purchasers or prospective purchasers of the goods offered under Opposer's Marks, the trade and purchasing public are likely to believe that Applicant's goods originate from Opposer or from an entity that is in some way associated with Opposer, resulting in damage and detriment to Opposer and its reputation, as well as to the purchasing public.

9. Registration of Applicant's proposed mark shown in the opposed application will result in damage to Opposer under the provisions of § 2(d) of the Lanham Act, 15 U.S.C. § 1052(d), and pursuant to the allegations stated above.

WHEREFORE, Opposer requests that the registration sought by Applicant in the United States Application Serial No. 76/160,798 be refused and that this Notice of Opposition be sustained in favor of Opposer.

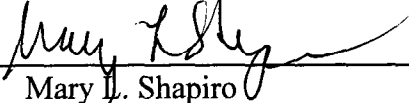
AUTHORIZATION TO CHARGE DEPOSIT ACCOUNT

Please charge the fee of \$300.00 to Townsend and Townsend and Crew LLP, Deposit Account No. 20-1430. Please charge any additional fees that may be due, or credit any overpayment, to our Deposit Account No. 20-1430.

Respectfully submitted,

TOWNSEND AND TOWNSEND AND CREW LLP

Date: 6/29/10

BY: 
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