

following grounds:

FACTUAL ALLEGATIONS COMMON TO ALL COUNTS

1. Applicant seeks to obtain Registrations on the Principal Register for the UCONNECT and UCONNECT & design marks for use in connection with:

“integrated, in-vehicle communications system consisting of radio, satellite and telephone transmitters and receivers; computer hardware, namely, microprocessors; and short and long range wireless devices, namely, cellular telephones and interface with global positioning system satellite technology for navigation systems” in Class 9;

“providing roadside emergency services, namely remote door unlock, through an integrated, in-vehicle communications system” in Class 37;

“providing wireless telecommunications and wireless interconnectivity services, namely, wireless digital messaging services, wireless voice mail services, wireless calling services and telecommunications connections to a global computer network through an integrated, in-vehicle communications system” in Class 38;

“navigation services, namely, voice routing and location assistance through an integrated, in-vehicle communications system” in Class 39; and

“providing safety services, namely, theft detection and notification, stolen vehicle tracking, and automatic notification of airbag deployment through an integrated, in-vehicle communications system” in Class 45.

2. Upon information and belief, the earliest date of constructive or actual use of the UCONNECT and UCONNECT & design marks by Applicant upon which it or its predecessors or successors in interest can rely is no earlier than January 11, 2002 and November 11, 2002, respectively, which are the respective filing dates for these applications which were

filed on a 1(b) intent to use basis.

3. Opposer is the owner of several federal trademark registrations and pending applications consisting of or including the term "CONNECT". See detailed list of trademarks attached hereto as Exhibit "A" and incorporated herein by reference.

4. Each of the marks listed in Exhibit "A" share the common element "CONNECT" and thus constitute a family of marks (referred to herein as "CONNECT marks").

5. Opposer uses or intends to use the CONNECT marks throughout the United States in connection with wireless telecommunications goods and services.

6. Opposer has expended substantial monies in marketing, advertising, and promoting the CONNECT marks in connection with its telecommunications goods and services in interstate commerce throughout the United States.

7. Opposer has enjoyed substantial revenue derived from the sale of said telecommunications goods and services in connection with the CONNECT marks in the United States.

8. By reason of the extensive marketing, advertising and promotion of said telecommunications goods and services in connection with the CONNECT marks since at least as early as 1997, the CONNECT marks have become famous and distinctive and represent extremely valuable goodwill uniquely associated with Opposer.

9. Applicant's use of the UCONNECT and UCONNECT & design marks is without the consent or permission of Opposer.

COUNT I- LIKELIHOOD OF CONFUSION

10. Opposer hereby incorporates and realleges the allegations contained in paragraph numbers 1 through 9 by reference herein.

11. On information and belief, the goods and services for which Applicant is seeking registration of the UCONNECT and UCONNECT & design marks are closely related or identical to the goods and services sold by Opposer under its CONNECT marks.

12. On information and belief, Applicant intends to use the UCONNECT and UCONNECT & design marks in connection with wireless telecommunications goods and services.

13. On information and belief, the goods and services for which Applicant is seeking registration of the UCONNECT and UCONNECT & design marks are offered to the same customers to whom Opposer offers its goods and services in connection with its CONNECT marks.

14. On information and belief, the goods and services for which Applicant is seeking registration of the UCONNECT and UCONNECT & design marks are offered through the same channels of trade through which Opposer offers its goods and services in connection with its CONNECT marks.

15. On information and belief, the UCONNECT and UCONNECT & design marks for which Applicant is seeking registration is substantially similar to the CONNECT marks which Opposer uses.

16. On information and belief, Applicant's UCONNECT and UCONNECT & design marks are confusingly similar to the CONNECT marks and Applicant's use of UCONNECT and UCONNECT & design in connection with the goods and services specified in

Application Serial Nos. 78/183,734 and 78/102,114 are likely to cause confusion, mistake or deception that Applicant's goods and services are those of Opposer or are otherwise endorsed, sponsored, or approved by Opposer, whereby Opposer will be damaged by the registration of the UCONNECT and UCONNECT & design marks on the Principal Register of the United States Patent and Trademark Office.

17. If Applicant is granted registration of its UCONNECT and UCONNECT & design marks as shown in Application Serial Nos. 78/183,734 and 78/102,114, Applicant will thereby obtain *prima facie* exclusive right to use such marks in the United States and such registration will impair and diminish Opposer's goodwill and rights in its CONNECT marks thereby causing irreparable damage and injury to Opposer. Therefore, Opposer opposes the registration of Applicant's UCONNECT and UCONNECT & design marks pursuant to 15 U.S.C. §§ 1052 and 1063(a), as amended by the Trademark Act of 1999.

COUNT II-DILUTION

18. Opposer hereby incorporates and realleges the allegations contained in paragraph numbers 1 through 17 by reference herein.

19. Opposer's DIRECT CONNECT marks are distinctive and famous marks within the meaning of the Lanham Act and are entitled to the protection of the anti-dilution provisions of the Lanham Act, including 15 U.S.C. Section 1125(c).

20. On information and belief, Applicant sells the goods and services for which it seeks Registration of the UCONNECT and UCONNECT & design marks to the same customers and through the same channels of trade that Opposer sells its telecommunications goods and services in connection with Opposer's DIRECT CONNECT marks.

21. Applicant's UCONNECT and UCONNECT & design marks are confusingly similar to Opposer's DIRECT CONNECT marks that Opposer uses in connection with telecommunications goods and services throughout the United States.

22. Opposer's DIRECT CONNECT marks became famous and distinctive prior to Applicant's first commercial use of its marks in commerce.

23. If Applicant is granted registration of its UCONNECT and UCONNECT & design marks as shown in Application Serial Nos. 78/102,114 and 78/183,734 Applicant will thereby obtain the *prima facie* exclusive right to use such marks, and such registration will impair, diminish and dilute Opposer's goodwill and rights in its DIRECT CONNECT marks thereby causing irreparable injury to Opposer. Therefore, Opposer opposes registration of Applicant's UCONNECT and UCONNECT & design marks pursuant to 15 U.S.C. Section 1052 and 1063(a), as amended by the Trademark Amendments Act of 1999.

PRAYER FOR RELIEF

WHEREFORE, Opposer prays that Application Serial Nos. 78/102,114 and 78/183,734 be rejected and that Registration of the UCONNECT and UCONNECT & design marks for the goods and services specified therein be refused and that Opposer be awarded such further relief as this Board deems just and proper.

Respectfully submitted,

June 7, 2004

By: Edward W. Gray Jr.
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CERTIFICATE OF OPPOSER'S ATTORNEYS

We hereby certify that we are trademark attorneys for Nextel Communications, Inc., Opposer herein, and that we have been instructed to file the foregoing Notice of Opposition. We are, therefore, filing this Notice of Opposition under Section 14 of the Trademark Act of 1946 and under Trademark Rule 2.111.

Morrison & Foerster LLP

June 7, 2004

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Edward W Gray, Jr.

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EXHIBIT A

Mark	Registration/Apl. No.	Filing Date	Registration Date
CONNECT	2,675,834	04/09/1999	05/21/2003
NEXTEL DIRECT CONNECT (Class 38)	2,236,098	02/19/1997	03/30/1999
DIRECT CONNECT (Class 38)	2,797,952	01/29/2002	12/23/2003
DIRECT CONNECT (Class 9)	2,810,436	01/29/2002	02/03/2004
DIRECT CONNECT (Class 16)	78/105,048	01/26/2002	
DIRECT CONNECT (Class 25)	78/105,045	01/26/2002	
NATIONWIDE DIRECT CONNECT (Cls. 9 & 38)	76/448,203	09/04/2002	
NEXTEL DIRECT CONNECT GET RIGHT THROUGH & Design (Cls. 9 & 38)	76/415,496	05/15/2002	
GROUP CONNECT (Cls. 9 & 38)	76/448,204	09/04/2002	
NEXTEL GROUP CONNECT (Cls. 9 & 38)	76/448,245	09/04/2002	
EMERGENCY GROUP CONNECT (Cls. 9 & 38)	78/204,639	01/17/2003	
NEXTEL EMERGENCY GROUP CONNECT (Cls. 9 & 38)	78/206,341	01/23/2003	

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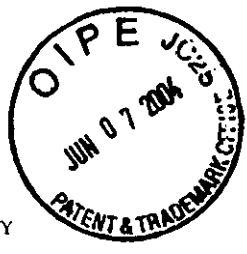
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June 7, 2004

VIA HAND DELIVERY



Assistant Commissioner of Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

06-07-2004
U.S. Patent & TMOct/TM Mail Rcpt Dt. #22

Re: Combined Notice of Opposition by Nextel Communications, Inc.
Applicant: DaimlerChrysler Corporation
Marks: UCONNECT and UCONNECT & Design
Serial Nos.: 78/102,114 and 78/183,734

Sir:

We enclose the Combined Notice of Oppositions by Nextel Communications, Inc. of the marks UCONNECT and UCONNECT & Design Serial Nos.: 78/102,114 and 78/183,734.

The Commissioner is hereby authorized to charge the \$1,200.00 filing fee and any additional fees which may be required in this Opposition, or otherwise during the pendency of this Opposition, or credit any overpayment, to Deposit Account No. 03-1952.

Sincerely,

MORRISON & FOERSTER LLP

By: Edward W. Gray, Jr.
Edward W. Gray, Jr., Esquire

Enclosure