

ESTTA Tracking number: **ESTTA69940**

Filing date: **03/08/2006**

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	Klipsch Group, Inc.
Granted to Date of previous extension	03/08/2006
Address	3502 Woodview Trace Suite 200 Indianapolis, IN 46268 UNITED STATES
Party who filed Extension of time to oppose	Klipsch Audio, Inc.
Relationship to party who filed Extension of time to oppose	Klipsch Audio, Inc. changed its name effective on or about January 3, 2006 to Klipsch Group, Inc.

Correspondence information	Kathleen Burns General Counsel Klipsch Audio Technologies 3502 Woodview Trace Suite 200 Indianapolis, IN 46268 UNITED STATES kathleen.burns@klipsch.com
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**Applicant Information**

Application No	78332989	Publication date	11/08/2005
Opposition Filing Date	03/08/2006	Opposition Period Ends	03/08/2006
Applicant	SOFTWARE BROKERS OF AMERICA Inc. 9835 N.W. 14th Street Miami, FL 33172 UNITED STATES		

**Goods/Services Affected by Opposition**

<p>Class 009. Opposed goods and services in the class: Printer cables of all sizes; bi-directional cables for printers in all sizes; laplink cables; serial cables; USB cables; modem cables; extension cables; IDE cables; power cables for home and office appliances; audio cables; storage boxes for computer discs; computer monitor screen filters; electric soldering iron; computer stands specially designed for holding a computer, printer and accessories; mouse pads and wrist rests for computer mouse use; cable connectors and adaptors; dust covers; electrical data switches; computer notebook carrying cases; surge protectors for home appliance use; CD-R labeling kits primarily comprised of software for labeling, and including CD labels and label printing machines; computer mouse; gaming devices, namely, joysticks, game pads and racing wheels; microphones and audio speakers</p>
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Attachments	Notice of Opposition.pdf ( 4 pages )
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Signature	/KB/
Name	Kathleen Burns
Date	03/08/2006

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

In the matter of trademark application Serial No. 78/332,989  
For the mark KLIP  
Published in the Official Gazette on 11/8/2005

Opposition No. \_\_\_\_\_

NOTICE OF OPPOSITION

Klipsch Group, Inc., formerly known as Klipsch Audio, Inc. (and hereinafter “Opposer”), hereby files a Notice of Opposition against Software Brokers of America, Inc., d/b/a Intcomex Corporation (hereafter “Applicant”) regarding Applicant’s pending Application for registration of the trademark “KLIP” for “*audio speakers*” in International Class 9, with Serial No. 78/332,989 filed in the United States Patent and Trademark Office on November 25, 2003 (the “Application”). The Application was published in the Official gazette on November 8, 2005.

The grounds for Opposition are as follows:

1. Opposer, an Indiana corporation with a principal place of business at 3502 Woodview Trace, Suite 200, Indianapolis, Indiana 46268, believes it will be damaged by the registration of the mark of such Application and hereby opposes its federal registration.

2. From a date long prior to the filing date of the Intent to Use Application by Applicant for the KLIP mark, Opposer has been engaged in the business of designing,

manufacturing, selling and distributing a premium line of consumer and commercial loudspeakers and consumer audio products including, among other things, audio loudspeakers, subwoofers, amplifiers, consumer electronic audio equipment, commercial audio equipment and computer audio equipment.

3. Opposer is the owner of United States Trademark Registration No. 978,949 for the mark KLIPSCH® in Class 21 (International Class 9).

4. Opposer's U.S. Registration No. 978,949 is valid and incontestable.

5. Opposer is the owner of United States Trademark Registration No. 2,917,215 for the mark KLIPSCH® (Expanded Goods) in International Class 9.

6. Opposer's U.S. Registration No. 2,917,215 is valid and incontestable.

7. Opposer's Klipsch® products are sold, among other places, to specialty retailers, mass retailers, commercial businesses, cinema operators and contractors.

8. Opposer's Klipsch® products are offered for direct purchase by the public.

9. Opposer owns all trademark rights in the KLIPSCH® trademark.

10. Opposer has expended substantial sums of money as well as considerable time and effort in promoting and popularizing its KLIPSCH® mark, and Opposer continues to do so. As a result, Opposer's KLIPSCH® mark has become well and famously known to the purchasing public.

11. Opposer's trademark(s) is entitled to a broad scope of protection.

12. Applicant seeks to register the trademark KLIP for products including “*audio speakers.*”

13. Upon information and belief, Applicant’s use of its KLIP trademark will directly compete with Opposer.

14. The KLIP mark for which Applicant seeks registration is confusingly similar to Opposer’s KLIPSCH® mark.

15. The KLIP trademark in the Application is substantially similar in sight, sound, spelling and meaning to Opposer’s KLIPSCH® trademark.

16. Opposer’s KLIPSCH® trademarks have priority over Applicant’s KLIP trademark.

17. The registration and use of the KLIP trademark sought to be registered by Applicant is likely to cause confusion, mistake, and deception in the minds of the public, to lead the public to believe that Applicant’s products and/or services have their source in Opposer, to suggest that in some way Opposer is endorsing or sponsoring such products and/or services or that Opposer is in some way associated with Applicant in manufacturing and selling the products or providing the services so identified.

18. The registration sought by Applicant should be denied. If Applicant succeeds in registering its mark, there will be statutory rights created thereby in violation of the earlier established rights in Opposer, all to the harm of Opposer’s goodwill and with the resultant diminution of Opposer’s rights in its mark, all to the damage and injury of Opposer and of the public.

WHEREFORE, Opposer files this Notice of Opposition and prays that the Application herein opposed be denied; that registration of the mark therein disclosed be refused, and for such other and further relief in the premises as may be deemed to be just and proper.

Respectfully submitted,

By: /Kathleen R. Burns/

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General Counsel for Opposer