

ESTTA Tracking number: **ESTTA401220**

Filing date: **04/01/2011**

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

Proceeding	91195086
Party	Defendant Sirius XM Radio Inc.
Correspondence Address	ERICA D KLEIN KRAMER LEVIN NAFTALIS AND FRANKEL LLP 1177 AVENUE OF THE AMERICAS NEW YORK, NY 10036 UNITED STATES kltrademark@kramerlevin.com
Submission	Motion for Summary Judgment
Filer's Name	Heather J. Chase
Filer's e-mail	kltrademark@kramerlevin.com
Signature	/hjc/
Date	04/01/2011
Attachments	Exhibit B-1.pdf (7 pages)(676797 bytes)

Opposition No. 91195086
Ira Marlowe v. Sirius XM Radio Inc.
Against U.S. Application Serial No. 77/661,457
For SKYDOCK

Exhibit B1

Trademark/Service Mark Statement of Use (15 U.S.C. Section 1051(d))

The table below presents the data as entered.

Input Field	Entered
SERIAL NUMBER	78306496
LAW OFFICE ASSIGNED	LAW OFFICE 111
EXTENSION OF USE	NO
MARK SECTION	
STANDARD CHARACTERS	YES
USPTO-GENERATED IMAGE	YES
LITERAL ELEMENT	SKYLINK DIRECT
OWNER SECTION (no change)	
GOODS AND/OR SERVICES SECTION	
INTERNATIONAL CLASS	009
CURRENT IDENTIFICATION	An electronic interface for a satellite radio receiver, namely, a portable docking holder that is configured to dock a portable consumer satellite audio programming radio receiver, said docking meaning to receive and hold said portable consumer satellite audio programming radio receiver and electronically connect it serially or by radio transmission to a consumer car audio radio tuner for playing said consumer satellite audio programming on said tuner
GOODS OR SERVICES	KEEP ALL LISTED
FIRST USE ANYWHERE DATE	05/01/2003
FIRST USE IN COMMERCE DATE	05/01/2003
SPECIMEN FILE NAME(S)	\\TICRS\EXPORT9\IMAGEOUT9 \783\064\78306496\xml5\SO U0002.JPG
SPECIMEN DESCRIPTION	Digital image of product bearing the mark
REQUEST TO DIVIDE	NO

PAYMENT SECTION	
NUMBER OF CLASSES IN USE	1
SUBTOTAL AMOUNT [ALLEGATION OF USE FEE]	100
TOTAL AMOUNT	100
SIGNATURE SECTION	
DECLARATION SIGNATURE	/Ira Marlowe/
SIGNATORY'S NAME	Ira M. Marlowe
SIGNATORY'S POSITION	Owner
DATE SIGNED	02/22/2010
FILING INFORMATION	
SUBMIT DATE	Tue Feb 23 09:27:56 EST 2010
TEAS STAMP	USPTO/SOU-63.84.228.130-2 0100223092756932810-78306 496-460a0f732a5426878498a 99367a231c68d-DA-10135-20 100222153200028022

PTO Form 1553 (Rev 9/2005)
OMB No. 0651-0054 (Exp. 09/30/2011)

**Trademark/Service Mark Statement of Use
(15 U.S.C. Section 1051(d))**

To the Commissioner for Trademarks:

MARK: SKYLINK DIRECT
SERIAL NUMBER: 78306496

The applicant, Ira M. Marlowe, having an address of
33 Honeck Street
Englewood, New Jersey 07631
United States
is submitting the following allegation of use information:

For International Class 009:

Current identification: An electronic interface for a satellite radio receiver, namely, a portable docking holder that is configured to dock a portable consumer satellite audio programming radio receiver, said docking meaning to receive and hold said portable consumer satellite audio programming radio receiver and electronically connect it serially or by radio transmission to a consumer car audio radio tuner for playing said consumer satellite audio programming on said tuner

The mark is in use in commerce on or in connection with all goods or services listed in the application or Notice of Allowance or as subsequently modified for this specific class

The mark was first used by the applicant, or the applicant's related company, licensee, or predecessor in interest at least as early as 05/01/2003, and first used in commerce at least as early as 05/01/2003, and is now in use in such commerce. The applicant is submitting one specimen for the class showing the mark as used in commerce on or in connection with any item in the class, consisting of a(n) Digital image of product bearing the mark.

Specimen File1

The applicant is not filing a Request to Divide with this Allegation of Use form.

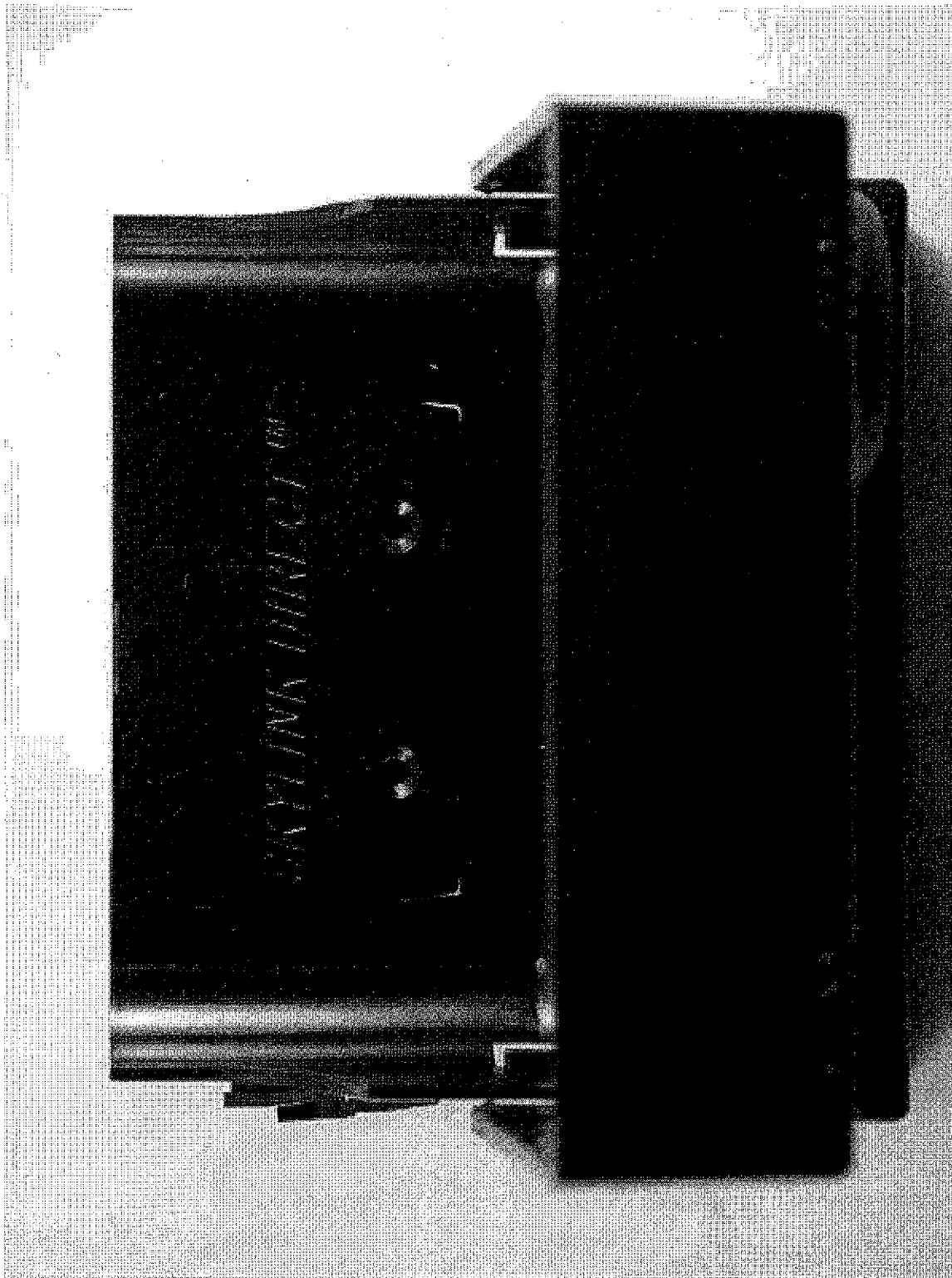
A fee payment in the amount of \$100 will be submitted with the form, representing payment for the allegation of use for 1 class.

Declaration

Applicant requests registration of the above-identified trademark/service mark in the United States Patent and Trademark Office on the Principal Register established by the Act of July 5, 1946 (15 U.S.C. Section 1051 et seq., as amended). Applicant is the owner of the mark sought to be registered, and is using the mark in commerce on or in connection with the goods/services identified above, as evidenced by the attached specimen(s) showing the mark as used in commerce.

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. Section 1001, and that such willful false statements may jeopardize the validity of the form or any resulting registration, declares that he/she is properly authorized to execute this form on behalf of the applicant; he/she believes the applicant to be the owner of the trademark/service mark sought to be registered, or, if the form is being filed under 15 U.S.C. Section 1126(d) or (e), he/she believes applicant to be entitled to use such mark in commerce; to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true; and that all statements made on information and belief are believed to be true.

Signature: /Ira Marlowe/ Date Signed: 02/22/2010



FEE RECORD SHEET

Serial Number: 78306496



RAM Sale Number: 10135

Total Fees: \$100

RAM Accounting Date: 20100223

<u>Transaction</u>	<u>Fee Code</u>	<u>Transaction Date</u>	<u>Fee per Class</u>	<u>Number of Classes</u>	<u>Total Fee</u>
Statement of Use (SOU)	7003	20100223	\$100	1	\$100

Transaction Date: 20100223



