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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-7 .pdf (11 pages)(147355 bytes)

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

Exhibit B-7



United States Patent and Trademark Office

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SKYFI

Word Mark SKYFI
Goods and Services IC 009. US 021 023 026 036 038. G & S: digital audio radio receivers. FIRST USE: 20020900. FIRST USE IN COMMERCE: 20020900
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Trademark Search Facility Classification Code LETS-2 FI Two letters or combinations of multiples of two letters
Serial Number 77760483
Filing Date June 16, 2009
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition November 3, 2009
Registration Number 3780382
Registration Date April 27, 2010
Owner (REGISTRANT) XM Satellite Radio Inc. CORPORATION DELAWARE 1500 Eckington Place, N.E. Washington D.C. 20002
 (LAST LISTED OWNER) SIRIUS XM RADIO INC. CORPORATION DELAWARE 1221 AVENUE OF THE AMERICAS, 36TH FLOOR NEW YORK NEW YORK 10020
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Nancy S. Lapidus
Prior Registrations 2773239
Type of Mark TRADEMARK
Register PRINCIPAL
Live/Dead Indicator LIVE

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United States of America

United States Patent and Trademark Office

SKYFI

Reg. No. 3,780,382

Registered Apr. 27, 2010

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

XM SATELLITE RADIO INC. (DELAWARE CORPORATION)
1500 ECKINGTON PLACE, N.E.
WASHINGTON, DC 20002

FOR: DIGITAL AUDIO RADIO RECEIVERS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 9-0-2002; IN COMMERCE 9-0-2002.

THE MARK CONSISTS OF STANDARD CHARACTERS WITHOUT CLAIM TO ANY PARTICULAR FONT, STYLE, SIZE, OR COLOR.

OWNER OF U.S. REG. NO. 2,773,239.

SER. NO. 77-760,483, FILED 6-16-2009.

JERI J. FICKES, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office



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SKYKUBE

Word Mark SKYKUBE
Goods and Services IC 009. US 021 023 026 036 038. G & S: satellite radio receiver
Standard Characters Claimed
Mark Drawing Code (4) STANDARD CHARACTER MARK
Serial Number 77489925
Filing Date June 3, 2008
Current Filing Basis 1B
Original Filing Basis 1B
Published for Opposition January 20, 2009
Owner (APPLICANT) SIRIUS XM RADIO INC. CORPORATION DELAWARE 1221 AVENUE OF THE AMERICAS, 36TH FLOOR NEW YORK NEW YORK 10020
Assignment Recorded ASSIGNMENT RECORDED
Attorney of Record Nancy S. Lapidus
Type of Mark TRADEMARK
Register PRINCIPAL
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U.S. Patent and Trademark Office (USPTO)

NOTICE OF ALLOWANCE

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 571-273-9550. Please include the serial number of your application on ALL correspondence with the USPTO.

ISSUE DATE: Apr 14, 2009

NANCY S. LAPIDUS
HOWREY LLP
2941 FAIRVIEW PARK DRIVE
SUITE 200
FALLS CHURCH, VA 22042-2924

ATTORNEY
REFERENCE NUMBER

04980

**** IMPORTANT INFORMATION: 6 MONTH DEADLINE ****

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have six (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of Use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION. Please note that both the "Statement of Use" and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

**** Registration Subject to Cancellation for Fraudulent Statements ****

Ensure that statements made in filings to the USPTO are accurate, as inaccuracies may result in the cancellation of your trademark registration. The lack of a bona fide intention to use the mark with all goods and/or services included in an application or the lack of use on all goods and/or services for which you claimed use could jeopardize the validity of your registration, possibly resulting in its cancellation.

The following information should be reviewed for accuracy:

SERIAL NUMBER:

77/489925

MARK: SKYKUBE (STANDARD CHARACTER MARK)
OWNER: XM Satellite Radio Inc.
1500 Eckington Place, NE
Washington , D.C. 20002

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO

Section 1(b): YES

Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

009 - satellite radio receiver -- FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

ADDITIONAL INFORMATION MAY BE PRESENT IN THE USPTO RECORDS



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SKYBUDS

Word Mark	SKYBUDS
Goods and Services	IC 009. US 021 023 026 036 038. G & S: Antennas, digital audio radio receivers and portable audio earpieces for use with digital audio radio receivers
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER MARK
Serial Number	77384993
Filing Date	January 31, 2008
Current Filing Basis	1B
Original Filing Basis	1B
Published for Opposition	October 28, 2008
Owner	(APPLICANT) SIRIUS XM RADIO INC. CORPORATION DELAWARE 1221 AVENUE OF THE AMERICAS, 36TH FLOOR NEW YORK NEW YORK 10020
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Nancy S. Lapidus
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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NOTICE OF ALLOWANCE

NOTE: If any data on this notice is incorrect, please fax a request for correction to the Intent to Use Unit at 571-273-9550. Please include the serial number of your application on ALL correspondence with the USPTO.

ISSUE DATE: Jan 20, 2009

NANCY LAPIDUS
HOWREY LLP
2941 FAIRVIEW PARK DR STE 200
FALLS CHURCH, VA 22042-2924

ATTORNEY
REFERENCE NUMBER

04980.0228.T

**** IMPORTANT INFORMATION: 6 MONTH DEADLINE ****

You filed the trademark application identified below based upon a bona fide intention to use the mark in commerce. You must use the mark in commerce and file a Statement of Use (a.k.a. Allegation of Use) before the USPTO will register the mark. You have six (6) MONTHS from the ISSUE DATE of this Notice of Allowance (NOA) to file either a Statement of Use, or if you are not yet using the mark in commerce, a Request for Extension of Time to File a Statement of use ("Extension Request"). If you file an extension request, you must continue to file a new request every six months until the Statement of Use is filed. Applicant may file a total of five (5) extension requests. FAILURE TO FILE A REQUIRED DOCUMENT DURING THE APPROPRIATE TIME PERIOD WILL RESULT IN THE ABANDONMENT OF YOUR APPLICATION. Please note that both the "Statement of Use " and "Extension Request" have many legal requirements including fees. Therefore, we encourage use of the USPTO forms, available online at <http://www.uspto.gov/teas/index.html> (under "File a PRE-registration form"), to avoid the possible omission of important information. Please note that the Trademark Electronic Application System (TEAS) provides line-by-line help instructions for completing the Extension Request or Statement of Use forms online. If you do not have access to the Internet, you may call 1-800-786-9199 to request the printed form(s).

The following information should be reviewed for accuracy:

SERIAL NUMBER: 77/384993
MARK: SKYBUDS (STANDARD CHARACTER MARK)
OWNER: XM Satellite Radio Inc.
1500 Eckington Place, N.E.
Washington , D.C. 20002

This application has the following bases, but not necessarily for all listed goods/services:

Section 1(a): NO

Section 1(b): YES

Section 44(e): NO

GOODS/SERVICES BY INTERNATIONAL CLASS

009 - Antennas, digital audio radio receivers and portable audio earpieces for use with digital audio radio receivers --
FIRST USE DATE: NONE; -- USE IN COMMERCE DATE: NONE

ALL OF THE GOODS/SERVICES IN EACH CLASS ARE LISTED

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XMSKYBOX

Word Mark	XMSKYBOX
Goods and Services	IC 009. US 021 023 026 036 038. G & S: SATELLITE RADIO RECEIVERS. FIRST USE: 20041014. FIRST USE IN COMMERCE: 20041014
Standard Characters Claimed	
Mark Drawing Code	(4) STANDARD CHARACTER M ARK
Serial Number	76581306
Filing Date	March 16, 2004
Current Filing Basis	1A
Original Filing Basis	1B
Published for Opposition	December 28, 2004
Registration Number	3149163
Registration Date	September 26, 2006
Owner	(REGISTRANT) XM Satellite Radio Inc. CORPORATION DELAWARE 1500 Eckington Place, N.E. Washington D.C. 20002 (LAST LISTED OWNER) SIRIUS XM RADIO INC. CORPORATION DELAWARE 1221 AVENUE OF THE AMERI CAS, 36TH FLOOR NEW YORK NEW YORK 10020
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	Nancy S. Lapidus
Type of Mark	TRADEMARK
Register	PRINCIPAL
Live/Dead Indicator	LIVE

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Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,149,163

Registered Sep. 26, 2006

**TRADEMARK
PRINCIPAL REGISTER**

XMSKYBOX

**XM SATELLITE RADIO INC. (DELAWARE COR-
PORATION)
1500 ECKINGTON PLACE, N.E.
WASHINGTON, DC 20002**

**THE MARK CONSISTS OF STANDARD CHAR-
ACTERS WITHOUT CLAIM TO ANY PARTICULAR
FONT, STYLE, SIZE, OR COLOR.**

**FOR: SATELLITE RADIO RECEIVERS, IN CLASS
9 (U.S. CLS. 21, 23, 26, 36 AND 38).**

SN 76-581,306, FILED 3-16-2004.

FIRST USE 10-14-2004; IN COMMERCE 10-14-2004.

JOHN LINCOSKI, EXAMINING ATTORNEY