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

Proceeding	91195086
Party	Plaintiff Ira M. Marlowe
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

IRA MARLOWE

Opposer

Opposition No. 91195086

v.

SIRIUS XM RADIO INC.

Applicant

Opposer, Ira Marlowe ("Opposer"). I am the owner of U.S. Registration No. 3,799,511. SkyLink Direct.

Responds to the grounds for opposition and herein add background history.

I was in conjunction with my company Blitzsafe of America Inc. XM radios first strategic partner, I developed, designed and engineered integration interfaces and docking station for Satellite Radio receiver product for use in an automotive Environment.

On April 18, 2003 I asked my attorney to look into trade marking the following marks.

SkyLink

SkyLink Direct

1. I was developing the SkyLink Direct docking station and getting it ready for market. In addition, I had filed a patent for same technology with the USPTO U.S. No. **10/732909** filed Dec. 10, 2003 which is a continuation -in-part of U.S. patent No. 7489786.
2. In addition, I believe the product "SkyDock" that the applicant Sirius XM Radio Inc, with application Serial No. 77/661,457 infringes both my issued patent No. 7489786 and my pending patent **10/732909** filed Dec. 10, 2003. XM was and is aware of my patents
3. On April 17, 2003 after months of trying to come up with a suitable name for the Product, I decided on the name SkyLink and SkyLink Direct. I received an email from Don Krcmarik, Director of OEM Integration at XM Radio stating "With the name settled on "SkyLink (notice the capital L in the middle..similar to SkyFi), you should trademark it right away "
4. On May 15,2003 I send a email to Stell Patsiokas VP at XM Radio, a photo of the SkyLink with the product identification, I received an email back from Stell Patsiokas informing me ("Ira: I am copying Rebecca Hanson. You need to discuss this with Rebecca and Robert Acker. There are some issues with this name for an accessory. Regards, Stell")

5. On the same day May 15, 2003 XM stole my mark (SkyLink) and filed my mark themselves with the USPTO. In fact I was speaking with Rebecca Hanson that day May 15, 2003 and she never informed me that they filed my mark for themselves and totally misled me. This is the serial number 76/515204 of my mark that XM stole and filed for their own use.
6. This practice of XM has been ongoing, their predatory, clavier and careless nature continues to this day and has damaged me financially, and it had caused delays at the USPTO in issuing my mark U.S. Registration No. 3,799,511. SkyLink Direct.
7. Now in a yet another predatory attempt to damage me they are asking THE TRADEMARK TRAIL AND APPEAL BOARD to cancel my mark and in an attempt to leverage me and miss lead the PTO of my mark's use.
8. I had supplied by fax supporting documents to the applicant several months ago, I had several conversations with the applicant Sirius XM Radio Inc.. Sadly, they continue to make knowing false statements in their ongoing attempt to mislead that clearly shows their predatory, clavier and careless nature.
9. The two marks are similar and for the same product type and use "a portable satellite receiver docking station" the similarity of the two marks will create the likely hood of confusion about the product.

WHEREFORE, Opposer requests the cancellation of Application Serial No. 77/661,457 in its entirety with prejudice.

Respectfully submitted,

Ira Marlowe

/Ira Marlowe/

A handwritten signature in black ink, appearing to read "Ira Marlowe", with a long horizontal flourish extending to the right.

Ira Marlowe

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August 12, 2011

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the forgoing Answer to The Notice of Opposition was served on the Applicant via email, United States mail, first class, postage prepaid on this 12th day of August, 2011

Erica D Klein

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/Ira Marlowe/



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Ira Marlowe