

ESTTA Tracking number: **ESTTA356351**

Filing date: **07/06/2010**

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	NANCY S. LAPIDUS SCHULTIS & VOSSLER LAW GROUP PLLC 8200 GREENBORO DRIVE, SUITE 90 McLEAN, VA 22102 UNITED STATES nancy.lapidus@schultisvossler.com
Submission	Answer
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Date	07/06/2010
Attachments	Answer to Notice of Opposition.Marlowe v. Sirius XM.pdf ( 3 pages )(621320 bytes )

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

IRA MARLOWE )  
 )  
 Opposer )  
 )  
 v. ) Opposition No. 91195086  
 )  
 SIRIUS XM RADIO INC. )  
 )  
 Applicant )

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant, SIRIUS XM Radio Inc., responds to the grounds for opposition set forth in the Notice of Opposition filed by Ira Marlowe as follows:

1. Applicant denies the allegation in ¶ 1 of the Notice of Opposition.
2. Applicant admits the allegation in ¶ 2 of the Notice of Opposition.
3. Answering the allegations in ¶ 3 of the Notice of Opposition, Applicant admits that it has commenced use of the mark SKYDOCK shown in Application No. 77/661457 in connection with satellite radio receivers. Except as thus stated, Applicant denies the allegations in ¶ 3 of the Notice of Opposition.
4. Applicant denies the allegations in ¶ 4 of the Notice of Opposition.
5. Answering the allegations in ¶ 5 of the Notice of Opposition, Applicant admits that Opposer is the owner of record of U.S. Registration No. 3,779,511. Except as thus stated, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 5 of the Notice of Opposition and therefore denies same.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in ¶ 6 of the Notice of Opposition and therefore denies same.
7. No responsive pleading is required to the portions of ¶ 7 of the Notice of Opposition which assert legal conclusions rather than an allegation of fact. Except as thus stated, Applicant denies the allegations in ¶ 7 of the Notice of Opposition.
8. Applicant expressly denies any and all allegations in the Notice of Opposition not expressly admitted above.
9. Applicant reserves the right to move for leave to assert any affirmative defense(s) and/or counterclaim(s) subsequently disclosed by discovery in this proceeding, further case investigation or otherwise.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed in its entirety with prejudice.

Respectfully submitted,

SIRIUS XM RADIO INC.

Date: July 6, 2010

By: *Nancy Lapidus*  
Nancy S. Lapidus  
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Attorney for Applicant

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing Applicant's Answer to Notice of Opposition was served on the Opposer via United States mail, first class, postage prepaid, this 6<sup>th</sup> day of July, 2010:

Ira Marlowe  
33 Honeck Street  
Englewood, New Jersey 07631

Nancy Lapidus