

ESTTA Tracking number: **ESTTA390787**

Filing date: **01/29/2011**

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	Raytheon Company
Granted to Date of previous extension	01/30/2011
Address	870 Winter Street Waltham, MA 02451 UNITED STATES

Correspondence information	Raytheon Company 870 Winter Street Waltham, MA 02451 UNITED STATES aaikman@wechv.com, jlarken@wechv.com Phone:520-202-7835
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Applicant Information

Application No	77957140	Publication date	08/03/2010
Opposition Filing Date	01/29/2011	Opposition Period Ends	01/30/2011
Applicant	General Atomics Aeronautical Systems, Inc. 14200 Kirkham Way Poway, CA 92064 UNITED STATES		

Goods/Services Affected by Opposition


Class 009. All goods and services in the class are opposed, namely: Sensors and consoles for use in providing radio and data link control of audio/video/text transmissions from remote locations to either a man-portable terminal or to a fixed ground station via manned or unmanned airborne platforms
Class 038. All goods and services in the class are opposed, namely: Providing audio, video and text transmissions from remote locations to either a man-portable terminal or to a fixed ground station via manned or unmanned airborne platforms

Grounds for Opposition

False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)

Mark Cited by Opposer as Basis for Opposition

U.S. Registration No.	3905167	Application Date	08/03/2009
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Registration Date	01/11/2011	Foreign Priority Date	NONE
Word Mark	GRIFFIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 013. First use: First Use: 2008/03/30 First Use In Commerce: 2008/03/30 Guided missiles, lightweight netted missile systems comprised of guided missiles, embedded guidance and navigation technologies comprised of global positioning systems, propulsion systems comprised of missiles, rockets, and projectiles, warheads, and launching pads providing real-time attack and fire support via manned and unmanned air and surface platforms; netted weapon systems comprised of guided missiles, embedded guidance and navigation technologies comprised of global positioning systems, propulsion systems comprised of missiles, rockets, and projectiles, warheads, and launching pads providing real-time attack and fire support via manned and unmanned air and surface platforms		

Attachments	77795954#TMSN.jpeg (1 page)(bytes) NOTICE OF OPPOSITION-GriffinEye1-29-11.pdf (5 pages)(17824 bytes) GRIFFIN-U.S.Certif3905167.pdf (1 page)(32193 bytes) GriffinLogo-Slide2Redacted.pdf (1 page)(54758 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Anne Aikman-Scalese/
Name	Raytheon Company
Date	01/29/2011

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

Raytheon Company)	
)	
Opposer,)	
)	
v.)	Application Serial No. 77-957140
)	
General Atomics Aeronautical Systems, Inc.)	Filed: March 11, 2010
)	
Applicant)	Published: August 3, 2010

NOTICE OF OPPOSITION

Raytheon Company, a Delaware Corporation (“Opposer”), located and doing business at 870 Winter Street, Waltham, MA, 02451 believes that it will be harmed by the registration of the mark, “GRIFFIN EYE”, shown in Application Serial No. 77-957140 filed March 11, 2010, by General Atomics Aeronautical Systems, Inc. (“Applicant”) for goods classified in International Class 9 and services classified in International Class 038 and hereby opposes the same. A description of the Applicant’s application is as follows:

MARK: GRIFFIN EYE

SERIAL NO.: 77-957140

FILED: March 11, 2010

CLASS: 09 and 038

GOODS: Sensors and consoles for use in providing radio and data link control of audio/video/text transmissions from remote locations to either a man-portable terminal or to a fixed ground station via manned or unmanned airborne platforms.

SERVICES: Providing audio, video and text transmissions from remote locations to either a man-portable terminal or to a fixed ground station via manned or unmanned airborne platforms.

As grounds for the Opposition, Opposer alleges that:

1. For several years and prior to the use of Applicant, Opposer has been engaged in the business of providing missiles equipped with guidance and navigation systems under the trademark name, GRIFFIN, and is the owner of the GRIFFIN mark in these fields. (See attached exhibit U.S. Registration No. 3,905,167).
2. Opposer is also the owner of and relies on its common law rights in the trademark, GRIFFIN and, under the doctrine of picture equivalents, a logo consisting of a griffin as shown in the attached redacted page from a slide presentation given February 20, 2008. Opposer has continuously used these marks in interstate commerce.
4. Applicant is a potential competitor of Opposer in that Opposer sells to the same customers and in the same channels of distribution as Applicant and sells equipment which competes with Applicant's goods. Opposer's GRIFFIN products are extremely successful in the defense marketplace and enjoy a very high reputation for accuracy and efficiency. This high degree of success of the products in the defense marketplace may make it attractive to third parties to imply an association with Opposer's goods through the use of a similar name. Applicant's goods and Opposer's goods may be said to travel in precisely the same channels of trade in that both Opposer and Applicant market to the U.S. and foreign governments as well as to civilian agencies concerned with defense, security, and border patrol.
5. Applicant's GRIFFIN EYE mark is highly similar in sound, appearance, and overall commercial impression to Opposer's GRIFFIN mark. While the goods are not identical, they are related and directed at the same purchasers. Opposer's products are fitted with guidance and navigation systems containing some of the same components, raising the possibility that if quality or performance issues arise in connection with Applicant's

products or services, customers will mistakenly attribute the problems in quality and/or performance to Opposer. Opposer's primary customers for its GRIFFIN EYE goods and services would in some cases be indistinguishable from Applicant's customers and their customer bases certainly overlap.

6. Applicant's adoption of GRIFFIN EYE is confusingly similar to Opposer's mark, GRIFFIN, and its use by Applicant is likely to create confusion, deception, and mistake. Applicant's use of the mark, GRIFFIN EYE, interferes with Opposer's use of the mark, GRIFFIN, and will cause injury to Opposer.
7. In view of the similarity of the respective marks and the possibility of competition between Opposer and Applicant to sell to the same customers in the same channels of trade, it is alleged that Applicant's mark is confusingly similar to Opposer's pre-existing mark and that Applicant's adoption, use, and registration of the mark is likely to cause confusion, or to cause mistake, or to deceive potential buyers.
8. Applicant either knew, or should have known, of Opposer's mark prior to adoption of its GRIFFIN mark since Applicant is well aware that Opposer's GRIFFIN products are fitted on unmanned aerial vehicles manufactured by Applicant and supplied to government purchasers. Further, Opposer's application to register GRIFFIN was a matter of public record at the time Applicant's trademark application was filed.

Wherefore, Opposer requests that Application Serial No. 77-957140 be denied, that no registration be issued thereon to Applicant, and that this opposition be sustained with prejudice in favor of Opposer.

Dated: January 29, 2011

Respectfully submitted,

_____/aeas/_____
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Hanshaw & Villamana

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Attorneys for Opposer Raytheon Company

Certificate of Service

The undersigned hereby certifies that the foregoing Notice of Opposition to Serial No. 77-957140, in Class 9 and Class 38 was served on Applicant, General Atomics, by mailing a true copy, by first class mail on January 29, 2011, postage prepaid, to the Applicant at the designated correspondence address of Neil K. Nydegger, Nydegger & Associates, 348 Olive St. San Diego, CA 92103-6216.

_____/aeas/_____
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United States of America

United States Patent and Trademark Office

GRIFFIN

Reg. No. 3,905,167

Registered Jan. 11, 2011

Int. Cl.: 13

TRADEMARK

PRINCIPAL REGISTER

RAYTHEON COMPANY (DELAWARE CORPORATION), TA RTN,
870 WINTER STREET
WALTHAM, MA 02451

FOR: GUIDED MISSILES, LIGHTWEIGHT NETTED MISSILE SYSTEMS COMPRISED OF GUIDED MISSILES, EMBEDDED GUIDANCE AND NAVIGATION TECHNOLOGIES COMPRISED OF GLOBAL POSITIONING SYSTEMS, PROPULSION SYSTEMS COMPRISED OF MISSILES, ROCKETS, AND PROJECTILES, WARHEADS, AND LAUNCHING PADS PROVIDING REAL-TIME ATTACK AND FIRE SUPPORT VIA MANNED AND UNMANNED AIR AND SURFACE PLATFORMS; NETTED WEAPON SYSTEMS COMPRISED OF GUIDED MISSILES, EMBEDDED GUIDANCE AND NAVIGATION TECHNOLOGIES COMPRISED OF GLOBAL POSITIONING SYSTEMS, PROPULSION SYSTEMS COMPRISED OF MISSILES, ROCKETS, AND PROJECTILES, WARHEADS, AND LAUNCHING PADS PROVIDING REAL-TIME ATTACK AND FIRE SUPPORT VIA MANNED AND UNMANNED AIR AND SURFACE PLATFORMS, IN CLASS 13 (U.S. CLS. 2 AND 9).

FIRST USE 3-30-2008; IN COMMERCE 3-30-2008.

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

SN 77-795,954, FILED 8-3-2009.

SUSAN LESLIE DUBOIS, EXAMINING ATTORNEY



David J. Kappas

Director of the United States Patent and Trademark Office



February 20th, 2008 Griffin™ [REDACTED] Agenda

