

ESTTA Tracking number: **ESTTA390789**

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	Anne Aikman-Scalese Waterfall Economidis 5210 E. Williams Circle Suite 800 Tucson, AZ 85711 UNITED STATES aaikman@wechv.com, jlarken@wechv.com Phone:520-202-7835

Applicant Information

Application No	77956993	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

Priority and likelihood of confusion	Trademark Act section 2(d)
--------------------------------------	----------------------------

Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3905167	Application Date	08/03/2009
-----------------------	---------	------------------	------------

Registration Date	01/11/2011	Foreign Priority Date	NONE
Word Mark	GRIFFIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 013. First use: First Use: 2008/03/30 First Use In Commerce: 2008/03/30</p> <p>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</p>		

U.S. Application/Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	The Opposer's attorney has attempted to upload a common law logo mark without success. The mark consists of a stylized griffin creature and is shown in an exhibit to Opposer's Notice of Opposition.		
Goods/Services	<p>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</p>		

Related Proceedings	Opposition No. 91198397
---------------------	-------------------------

Attachments	<p>77795954#TMSN.jpeg (1 page)(bytes)</p> <p>NOTICE OF OPPOSITION-GryphonEye1-29-11.pdf (5 pages)(17887 bytes)</p> <p>GRIFFIN-U.S.Certif3905167.pdf (1 page)(32193 bytes)</p> <p>GriffinLogo-Slide2Redacted.pdf (1 page)(54758 bytes)</p>
-------------	--

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	Anne Aikman-Scalese
Date	01/29/2011

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

Raytheon Company)	
)	
Opposer,)	
)	
v.)	Application Serial No. 77-956993
)	
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, “GRYPHON EYE”, shown in Application Serial No. 77-956993 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: GRYPHON EYE

SERIAL NO.: 77-956993

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 GRYPHON 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 goods and services would in some cases be indistinguishable from Applicant's customers and their customer bases certainly overlap.

6. Applicant's adoption of GRYPHON 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, GRYPHON 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 GRYPHON EYE 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. 77-956993 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/_____

Anne Aikman-Scalese
Joan K. Larken
Waterfall, Economidis, Caldwell,
Hanshaw & Villamana

5210 E. Williams Circle
Suite 800
Tucson, AZ 85711
Tel: (520) 202-7835
Fax: (520) 745-1279

Attorneys for Opposer Raytheon Company

Certificate of Service

The undersigned hereby certifies that the foregoing Notice of Opposition to Serial No. 77-956993 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/_____
Anne Aikman-Scalese
Waterfall, Economidis, Caldwell
Hanshaw & Villamana
5210 E. Williams Circle, Suite 800
Tucson, AZ 85711
Tel: (520) 202-7835
Fax: (520) 745-1279

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

