

ESTTA Tracking number: **ESTTA728776**

Filing date: **02/23/2016**

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	ALK Technologies, Inc.
Granted to Date of previous extension	02/24/2016
Address	457 North Harrison Street Princeton, NJ 08540-3510 UNITED STATES
Attorney information	Gary A. Hecht, Esq. Fox Rothschild LLP P.O. Box 5231 Princeton, NJ 08543-5231 UNITED STATES ghecht@frof.com, dmcgregor@frof.com, ipdocket@frof.com, rwood-bridge@frof.com, bstaufenberg@foxrothschild.com Phone:215-299-2416

**Applicant Information**

Application No	86656426	Publication date	10/27/2015
Opposition Filing Date	02/23/2016	Opposition Period Ends	02/24/2016
Applicants	Zelickson, Michael 2123 Brookhaven View NE Atlanta, GA 30319 UNITED STATES  Murphy, Benjamin 2123 Brookhaven View NE Atlanta, GA 30319 UNITED STATES		

**Goods/Services Affected by Opposition**

Class 009. First Use: 0 First Use In Commerce: 0 All goods and services in the class are opposed, namely: Computer application software for mobile phones, namely, software for parents to better monitor their children and prevent cell phone use while driving
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**Grounds for Opposition**

Priority and likelihood of confusion	Trademark Act section 2(d)
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**Marks Cited by Opposer as Basis for Opposition**

U.S. Registration	2478761	Application Date	07/07/1997
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No.			
Registration Date	08/21/2001	Foreign Priority Date	NONE
Word Mark	COPILOT		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1997/08/15 First Use In Commerce: 1997/08/15 vehicle navigation aids consisting of computer software featuring a database of map coordinates and locations, a global positioning satellite receiver, electrical cable and documentation all sold as a unit		

U.S. Application/ Registration No.	NONE	Application Date	NONE
Registration Date	NONE		
Word Mark	COPILOT		
Goods/Services	Navigational aid software, navigational aid software sold on storage devices and storage cards, and downloadable navigational aid software; software is useable with computers, tablets, GPS devices used as standalone, and mobile phones such as Smartphones, among others, and is useable in a vehicle such as a car or truck, or in walking mode.		

Attachments	Notice of Opposition - 86656426 for GoPilot.pdf(97430 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	/-d-/
Name	Deanna M. McGregor
Date	02/23/2016

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

In the matter of Trademark Application Serial No. 86656426  
For the mark "GOPILOT"

ALK TECHNOLOGIES INC.	:	Opposition No.
	:	
Opposer,	:	
	:	
v.	:	
	:	
MICHAEL ZELICKSON and	:	
BENJAMIN MURPHY	:	
	:	
Applicants.	:	

**NOTICE OF OPPOSITION**

Opposer, ALK Technologies, Inc., believes that it will be damaged by registration of the mark "GOPILOT", which is the subject of U.S. Trademark Application Serial No. 86656426, and hereby opposes registration of said mark. In support of its Opposition, Opposer alleges the following:

1. Opposer, ALK Technologies, Inc., (hereinafter "ALK" or "Opposer"), is a corporation organized under laws of New Jersey with a business address of 457 North Harrison Street, Princeton NJ 08540-3510.
2. Michael Zelickson is an individual having an address of 2123 Brookhaven View NE, Atlanta, Georgia, 30319. Benjamin Murphy is an individual having an address of 2123 Brookhaven View NE, Atlanta, Georgia, 30319. Michael Zelickson and Benjamin Murphy are collectively referred to herein as "Applicants".

3. Applicants are the owner of Application Serial No. 86656426 (the “Application”), filed on June 9, 2015, seeking to register the mark “GOPILOT” in standard character form (“Applicants’ Mark”) for use with “computer application software for mobile phones, namely, software for parents to better monitor their children and prevent cell phone use while driving” in international class 09.

4. Applicants’ Application is based on an intent to use the mark in commerce.

5. The priority date claimed by the Application is June 9, 2015.

6. Opposer is the owner of and will rely on herein U.S. Registration No. 2478761 (the “Registration”) for the mark “COPILOT”, as used with “vehicle navigation aids consisting of computer software featuring a database of map coordinates and locations, a global positioning satellite receiver, electrical cable and documentation all sold as a unit” (the “Registered COPILOT Mark”). The Registration issued August 21, 2001. A copy of a printout of information from the USPTO’s Trademark Electronic Search System (TESS) electronic database showing the current status and title of the registration, along with a printout of the corresponding Assignment database page is attached as Exhibit A.

7. Opposer has and will also assert its common-law rights resulting from its ownership and use of the mark COPILOT in connection with its various goods and services, which uses have not been abandoned, are distinctive or have obtained secondary meaning, and which have been valid and continuous since a date prior to the filing date of the Application, prior to the claimed priority date, and prior to Applicants’ first use of its mark. Such common law uses include the mark COPILOT as used with navigational aid software, navigational aid software sold on storage devices and storage

cards, and downloadable navigational aid software (collectively the “Common Law COPILOT Mark”). Opposer’s software is useable with computers, tablets, GPS devices used as standalone, and mobile phones such as Smartphones, among others, and is useable in a vehicle such as a car or truck, or in walking mode. Opposer’s Registered COPILOT Mark and its Common Law COPILOT Mark are collectively referred to herein as the “COPILOT Marks”.

8. Opposer adopted and began using the COPILOT Marks in the United States since at least 1997.

9. Opposer has priority in this Opposition.

10. Opposer has established a valuable reputation and good will in its COPILOT Marks.

11. As grounds for this notice of opposition, Applicants’ Mark so resembles Opposer’s COPILOT Marks, when used on or in conjunction with the goods and services of Applicants, as to be likely to cause confusion, or to cause mistake, or to deceive.

WHEREFORE, Opposer prays that its opposition to the registration of Application Serial No. 86656426 be sustained and that Applicants’ Mark be refused registration in regard to all goods and services in the Application.

Dated: February 23, 2016

Respectfully submitted,

/gah/

Gary A. Hecht

Ryan Miller

Fox Rothschild LLP

2000 Market Street, 20th Floor

Philadelphia, PA 19103

(215) 299-2416

ATTORNEYS FOR OPPOSER

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the above Notice of Opposition and attachments were served on Applicants on the date listed below by first class mail, postage prepaid, addressed as follows:

MICHAEL ZELICKSON  
2123 Brookhaven Vw NE  
Atlanta, GEORGIA 30319-5401

    /-d-      
Deanna M. McGregor

Dated: 23 February 2016

# Exhibit A

TO

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

In the matter of Trademark Application Serial No. 86656426  
For the mark "GOPILOT"

ALK TECHNOLOGIES INC.	:	Opposition No.
	:	
Opposer,	:	
	:	
v.	:	
	:	
MICHAEL ZELICKSON and	:	
BENJAMIN MURPHY,	:	
	:	
Applicants.	:	

**Trademarks > Trademark Electronic Search System (TESS)**

TESS was last updated on Tue Feb 23 03:20:55 EST 2016

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**Word Mark** COPILOT

**Goods and Services** IC 009. US 021 023 026 036 038. G & S: vehicle navigation aids consisting of computer software featuring a database of map coordinates and locations, a global positioning satellite receiver, electrical cable and documentation all sold as a unit. FIRST USE: 19970815. FIRST USE IN COMMERCE: 19970815

**Mark Drawing Code** (1) TYPED DRAWING

**Serial Number** 75320685

**Filing Date** July 7, 1997

**Current Basis** 1A

**Original Filing Basis** 1B

**Published for Opposition** November 28, 2000

**Registration Number** 2478761

**International Registration Number** 0858911

**Registration Date** August 21, 2001

**Owner** (REGISTRANT) ALK Associates, Inc. CORPORATION NEW JERSEY 1000 Herrontown Road Princeton NEW JERSEY 08540  
(LAST LISTED OWNER) ALK TECHNOLOGIES INC. CORPORATION NEW JERSEY 457 North Harrison Street ALK Technologies, Inc. Princeton NEW JERSEY 085403510

**Assignment Recorded** ASSIGNMENT RECORDED

**Attorney of Record** Michael A. Marrero

**Type of Mark** TRADEMARK



**Register** PRINCIPAL  
**Affidavit Text** SECT 15. SECT 8 (6-YR). SECTION 8(10-YR) 20110809.  
**Renewal** 1ST RENEWAL 20110809  
**Live/Dead Indicator** LIVE

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[Assignments on the Web](#) > [Trademark Query](#)**Trademark Assignment Abstract of Title****Total Assignments: 1**Serial #: [75320685](#)

Filing Dt: 07/07/1997

Reg #: [2478761](#)

Reg. Dt: 08/21/2001

Registrant: ALK Associates, Inc.

Mark: COPILOT

**Assignment: 1**Reel/ Frame: [2407/0498](#)

Recorded: 12/11/2001

Pages: 5

Conveyance: CHANGE OF NAME

Assignor: [ALK ASSOCIATES INC.](#)

Exec Dt: 02/01/2001

Entity Type: CORPORATION

Citizenship: NEW JERSEY

Assignee: [ALK TECHNOLOGIES INC.](#)

Entity Type: CORPORATION

Citizenship: NEW JERSEY

1000 HERRONTOWN RD.

PRINCETON, NEW JERSEY 08540

Correspondent: ALK TECHNOLOGIES

MARK HORNUNG

1000 HERRONTOWN RD

PRINCETON, NJ 08540

Search Results as of: 02/23/2016 10:41 AM

If you have any comments or questions concerning the data displayed, contact PRD / Assignments at 571-272-3350. v.2.5

Web interface last modified: July 25, 2014 v.2.5