

ESTTA Tracking number: **ESTTA735306**

Filing date: **03/23/2016**

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	Sirius XM Radio Inc.
Granted to Date of previous extension	03/23/2016
Address	1221 Avenue of the Americas, 36th Floor New York, NY 10020 UNITED STATES

Attorney information	Erica D. Klein Kramer Levin Naftalis & Frankel LLP 1177 Avenue of the Americas New York, NY 10036 UNITED STATES KLTrademark@kramerlevin.com, eklein@kramerlevin.com, fsilverman@kramerlevin.com
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Applicant Information

Application No	86444356	Publication date	11/24/2015
Opposition Filing Date	03/23/2016	Opposition Period Ends	03/23/2016
Applicant	DEWESoft, LLC 8720 Heller Rd Whitehouse, OH 43571 UNITED STATES		

Goods/Services Affected by Opposition


Class 009. First Use: 2011/03/31 First Use In Commerce: 2011/03/31 All goods and services in the class are opposed, namely: Data acquisition and control devices, namely, USB and Ethernet transceiver hardware that receives analog and digital electronic signal data as input from external sources, namely, sensors, controls the received electronic signal data by conditioning the received electronic signal data to preserve and enhance signal integrity, and, communicates the conditioned electrical signal data as output to other external computers and data collection devices via USB, Analog out, Digitalout, and Ethernet packets for processing
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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 No.	3071291	Application Date	08/06/1999
Registration Date	03/21/2006	Foreign Priority	NONE

		Date	
Word Mark	SIRIUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 038. First use: First Use: 1999/11/00 First Use In Commerce: 1999/11/00 broadcasting services, namely a multi-channel radio service broadcast nationally to vehicles and stationary objects		

U.S. Registration No.	3114505	Application Date	08/18/1999
Registration Date	07/11/2006	Foreign Priority Date	NONE
Word Mark	SIRIUS		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2001/02/00 First Use In Commerce: 2001/02/00 equipment for receiving radio transmissions broadcast by satellite, namely, radios, tuners, decoders, demodulators and receivers		

U.S. Registration No.	3204232	Application Date	09/10/1999
Registration Date	01/30/2007	Foreign Priority Date	NONE
Word Mark	SIRIUS		


Design Mark	SIRIUS
Description of Mark	NONE
Goods/Services	Class 009. First use: First Use: 2001/02/00 First Use In Commerce: 2001/02/00 Equipment for receiving broadcast radiotransmissions, namely, radios, tuners, decoders, demodulators, receivers and antennas Class 035. First use: First Use: 2004/04/00 First Use In Commerce: 2004/04/00 [Electronic retailing services via computer featuring music] Class 038. First use: First Use: 1999/11/00 First Use In Commerce: 1999/11/00 Broadcasting services, namely a multi-channel radio service broadcast directly to vehicles and stationary objects

U.S. Registration No.	3117441	Application Date	09/10/1999
Registration Date	07/18/2006	Foreign Priority Date	NONE
Word Mark	SIRIUS SATELLITE RADIO		
Design Mark	SIRIUS SATELLITE RADIO		
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2001/02/00 First Use In Commerce: 2001/02/00 equipment for receiving broadcast radiotransmissions, namely, radios, tuners, decoders, demodulators, receivers and antennas Class 038. First use: First Use: 1999/11/00 First Use In Commerce: 1999/11/00 [broadcasting services, namely, a multi-channel radio service broadcast directly to vehicles and stationary objects]		

U.S. Registration No.	4199434	Application Date	03/29/2011
Registration Date	08/28/2012	Foreign Priority Date	NONE
Word Mark	SIRIUSXM SATELLITE RADIO		

Design Mark			
Description of Mark	The mark consists of the word "SIRIUSXM" with three curved lines on each side above the words "SATELLITE RADIO".		
Goods/Services	Class 009. First use: First Use: 2011/10/00 First Use In Commerce: 2011/10/00 Electronic hardware device for receiving broadcast radio transmissions and audio, visual and data information		

U.S. Registration No.	4199433	Application Date	03/29/2011
Registration Date	08/28/2012	Foreign Priority Date	NONE
Word Mark	SIRIUSXM		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 2011/10/00 First Use In Commerce: 2011/10/00 Electronic hardware device for receiving broadcast radio transmissions and audio, visual and data information		

U.S. Registration No.	4045088	Application Date	03/29/2011
Registration Date	10/25/2011	Foreign Priority Date	NONE
Word Mark	SIRIUSXM		
Design Mark			

Description of Mark	NONE
Goods/Services	<p>Class 035. First use: First Use: 2011/02/00 First Use In Commerce: 2011/02/00 Online retail store services in the field of music and consumer electronics</p> <p>Class 038. First use: First Use: 2008/11/00 First Use In Commerce: 2008/11/00 Radio broadcasting services; webcastingservices; streaming of audio, visual and data information via a global computernetwork, mobile telephone or other electronic or digital communications networkor digital communications device; electronic and digital transmission and delivery of voice, data, text, images, graphics, signals and messages via satellite, a global computer network, mobile telephone or other electronic or digital communications network or device; transmission of audio, visual and data information available for download via a global computer network, mobile telephone or other electronic or digital communications network or digital communications device</p> <p>Class 041. First use: First Use: 2008/11/00 First Use In Commerce: 2008/11/00 Entertainment services, namely, providing audio programs featuring music, sports, talk, news and data via satellite, global computer network, telecommunicationnetwork, wireless communication network, or other electronic or digital communications network or digital communications device</p>


U.S. Registration No.	4082682	Application Date	03/29/2011
Registration Date	01/10/2012	Foreign Priority Date	NONE

Word Mark	SIRIUSXM SATELLITE RADIO
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Description of Mark	The mark consists of the word "SIRIUSXM" with three curved lines on each side above the words "SATELLITE RADIO".
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Goods/Services	<p>Class 035. First use: First Use: 2011/02/00 First Use In Commerce: 2011/02/00 Online retail store services in the field of music and consumer electronics</p> <p>Class 038. First use: First Use: 2010/11/24 First Use In Commerce: 2010/11/24 Radio broadcasting services; webcastingservices; streaming of audio, visual and data information via a global computernetwork, mobile telephone or other electronic or digital communications networkor digital communications device; electronic and digital transmission and delivery of voice, data, text, images, graphics, signals and messages via satellite, a global computer network, mobile telephone or other electronic or digital communications network or device; transmission of audio, visual and data information available for download via a global computer network, mobile telephone or other electronic or digital communications network or digital communications device</p> <p>Class 041. First use: First Use: 2010/11/24 First Use In Commerce: 2010/11/24 Entertainment services, namely, providing audio programs featuring music, sports, talk, news and data via satellite, global computer network, telecommunicationnetwork, wireless communication network, or other electronic or digital communications network or digital communications device</p>
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U.S. Registration No.	4451484	Application Date	05/31/2013
Registration Date	12/17/2013	Foreign Priority Date	NONE
Word Mark	SIRIUSXM READY		
Design Mark			
Description of Mark	The mark consists of the word "SIRIUSXM" with three curved lines on each side above the word "READY".		
Goods/Services	Class 009. First use: First Use: 2010/11/00 First Use In Commerce: 2010/11/00 Equipment for receiving broadcast radiotransmissions, namely, radios, tuners, decoders, demodulators, receivers and antennas		

Attachments	75769598#TMSN.png(bytes) 75778346#TMSN.png(bytes) 75796898#TMSN.png(bytes) 75796701#TMSN.png(bytes) 85279869#TMSN.png(bytes) 85279859#TMSN.png(bytes) 85279884#TMSN.png(bytes) 85279879#TMSN.png(bytes) 85947612#TMSN.png(bytes) Notice of Opposition.pdf(520884 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	/Erica D. Klein/
Name	Erica D. Klein
Date	03/23/2016

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

In re Application Serial No. : 86/444,356
Mark : SIRIUS
International Class : 9
Applicant : DEWESoft, LLC
Filed : November 4, 2014
Published : November 24, 2015

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: Sirius XM Radio Inc., :
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: Opposer, :
: :
: v. : Opposition No.
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: DEWESoft, LLC, :
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: Applicant. :
: :
: :
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NOTICE OF OPPOSITION

Sirius XM Radio Inc., a corporation organized under the laws of the State of Delaware, located and doing business at 1221 Avenue of the Americas, 36th Floor, New York, NY 10020 (hereinafter “Opposer”) believes that it would be damaged by a grant of registration to DEWESoft, LLC, located at 8720 Heller Road, Whitehouse, Ohio 43571 (hereinafter “Applicant”), Applicant for Application Serial No. 86/444,356 for the mark SIRIUS, filed in International Class 9 on November 4, 2014 and published for opposition on November 24, 2015 (the “Application”), and hereby opposes said Application. A request for an extension of time to oppose the Application was filed by Opposer and granted by the Board, providing Opposer until March 23, 2016 to file an opposition.


The grounds for opposition are:

I. OPPOSER’S MARKS AND GOODS



1. Opposer Sirius XM Radio Inc. is a leading provider of radio broadcasting services via satellite, internet, television and mobile devices, and manufactures and distributes electronic hardware products, including portable and vehicle-installed telecommunication units, through which such broadcasting services are received.

2. Opposer was formed on July 28, 2008, as the result of a merger between the two renowned satellite radio companies Sirius Satellite Radio Inc. and XM Satellite Radio Inc. Each of these companies operated under the marks SIRIUS and XM, respectively, since at least as early as 1999. Following the merger, the combined company linked its prominent SIRIUS and XM brand names to SIRIUS XM.

3. Opposer is the owner of the following federal registrations, for which true and correct copies of the Certificates of Registration are attached as Exhibits A – I:

Exh.	Mark	Reg. No.	Reg. Date	First Use Date	Goods/Services
A	SIRIUS	3,071,291	Mar. 21, 2006	Nov. 1999	Class 9: broadcasting services, namely a multi-channel radio service broadcast nationally to vehicles and stationary objects
B	SIRIUS	3,114,505	July 11, 2006	Feb. 2001	Class 9: equipment for receiving radio transmissions broadcast by satellite, namely, radios, tuners, decoders, demodulators and receivers
C	SIRIUS	3,204,232	Jan. 30, 2007	Feb. 2001 (Class 9) Apr. 2004 (Class 35) Nov. 1999 (Class 38)	Class 9: Equipment for receiving broadcast radio transmissions, namely, radios, tuners, decoders, demodulators, receivers and antennas Class 35: electronic retailing services via computer featuring music Class 38: broadcasting services, namely a multi-channel radio service broadcast directly to vehicles and stationary objects
D	SIRIUS SATELLITE RADIO	3,117,441	July 18, 2006	Feb. 2001	Class 9: equipment for receiving broadcast radio transmissions, namely, radios, tuners, decoders, demodulators, receivers and antennas
E		4,199,434	Aug. 28, 2012	Oct. 2011	Class 9: electronic hardware device for receiving broadcast radio transmissions and audio, visual and data information

Exh.	Mark	Reg. No.	Reg. Date	First Use Date	Goods/Services
F	SIRIUSXM	4,199,433	Aug. 28, 2012	Oct. 2011	Class 9: Electronic hardware device for receiving broadcast radio transmissions and audio, visual and data information
G	SIRIUSXM	4,045,088	Oct. 25, 2011	Feb. 2011 (Class 35) Nov. 2008 (Class 38) Nov. 2008 (Class 41)	<p>Class 35: online retail store services in the field of music and consumer electronics</p> <p>Class 38: radio broadcasting services; webcasting services; streaming of audio, visual and data information via a global computer network, mobile telephone or other electronic or digital communications network or digital communications device; electronic and digital transmission and delivery of voice, data, text, images, graphics, signals and messages via satellite, a global computer network, mobile telephone or other electronic or digital communications network or device; transmission of audio, visual and data information available for download via a global computer network, mobile telephone or other electronic or digital communications network or digital communications device</p> <p>Class 41: entertainment services, namely, providing audio programs featuring music, sports, talk, news and data via satellite, global computer network, telecommunication network, wireless communication network, or other electronic or digital communications network or digital communications device</p>

Exh.	Mark	Reg. No.	Reg. Date	First Use Date	Goods/Services
H		4,082,682	Jan. 10, 2012	Feb. 2011 (Class 35) Nov. 2010 (Class 38) Nov. 2010 (Class 41)	<p>Class 35: online retail store services in the field of music and consumer electronics</p> <p>Class 38: radio broadcasting services; webcasting services; streaming of audio, visual and data information via a global computer network, mobile telephone or other electronic or digital communications network or digital communications device; electronic and digital transmission and delivery of voice, data, text, images, graphics, signals and messages via satellite, a global computer network, mobile telephone or other electronic or digital communications network or device; transmission of audio, visual and data information available for download via a global computer network, mobile telephone or other electronic or digital communications network or digital communications device</p> <p>Class 41: entertainment services, namely, providing audio programs featuring music, sports, talk, news and data via satellite, global computer network, telecommunication network, wireless communication network, or other electronic or digital communications network or digital communications device</p>
I		4,451,484	Dec. 17, 2013	Nov. 2010	Class 9: equipment for receiving broadcast radio transmissions, namely, radios, tuners, decoders, demodulators, receivers and antennas

4. The above-referenced marks are hereinafter referred to collectively as “Opposer’s Marks.”

5. Opposer is the owner of extensive common law rights in Opposer’s Marks as used in connection with electronic telecommunication products, as well as a variety of broadcasting, telecommunication and radio services.

6. Opposer’s Marks identify Opposer as a source of electronic telecommunications products for receiving data, audio and visual information and broadcast radio transmissions.

7. Opposer’s electronic products, devices and services are offered to businesses and consumers throughout the United States and elsewhere.

8. Opposer's products and services are integrally tied to the automotive industry, as many car manufacturers integrate electronic hardware products capable of broadcasting SiriusXM satellite radio into their vehicles.

9. Opposer's Marks have been widely advertised and promoted throughout the United States, and have received extensive recognition, publicity and media coverage.

10. In part due to the media attention given to Opposer's Marks, and in part due to Opposer's extensive use and promotion of Opposer's Marks, they have acquired enormous value and goodwill and have become extremely well-known and famous.

II. APPLICANT'S MARK AND GOODS

11. The Applications seek registration of the mark SIRIUS ("Applicant's Mark") for "Data acquisition and control devices, namely, USB and Ethernet transceiver hardware that receives analog and digital electronic signal data as input from external sources, namely, sensors, controls the received electronic signal data by conditioning the received electronic signal data to preserve and enhance signal integrity, and, communicates the conditioned electrical signal data as output to other external computers and data collection devices via USB, Analog out, Digital out, and Ethernet packets for processing" in International Class 9. The Application claims a date of first use in commerce of March 31, 2011.

12. Applicant's Mark, i.e. SIRIUS, is identical to Opposer's famous SIRIUS name and mark.

13. The goods covered by Applicant's Mark are closely related to those covered by Opposer's Marks, as both comprise electronic hardware devices that acquire, communicate and process electronic signal data.

14. Upon information and belief, the consumers and markets of the products provided under Opposer's Marks and Applicant's Mark overlap, as both are directed in significant part for use by, or integration with, the automobile industry.

15. Opposer's substantial rights in Opposer's Marks are prior in time to any purported rights claimed by Applicant in Applicant's Mark.

16. Opposer has not consented to the use and/or registration by Applicant of Applicant's Mark.

17. In light of the foregoing, there is a strong likelihood that consumers viewing Applicant's Mark in respect of the goods for which registration is sought are likely to believe that Applicant's goods derive from the same source as the goods and services provided by Opposer's under Opposer's marks, or are affiliated, connected, associated, sponsored, approved or authorized by Opposer, whereby registration of Applicant's Mark to Applicant would seriously damage Opposer in that it would be likely to cause confusion, deception or mistake among consumers and dilute the distinctiveness of Opposer's Marks.

WHEREFORE, Opposer prays that this opposition be sustained and that Application Serial No. 86/444,356 for the proposed mark SIRIUS be refused registration.

This Notice is being filed with the TTAB, and is being served on Applicant, at the correspondence address of record with the PTO. Proof of Service is attached hereto.

Respectfully submitted,

Dated: New York, NY
March 23, 2016

KRAMER LEVIN NAFTALIS & FRANKEL LLP
Attorneys for Opposer Sirius XM Radio Inc.



By: _____
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New York, New York 10036
(212) 715-9205 (telephone)
(212) 715-8000 (fax)
KLtrademark@kramerlevin.com

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Notice of Opposition (with exhibits) has been served on Applicant DEWESoft, LLC by mailing said copy on March 23, 2016, via First Class Mail, postage prepaid, to Applicant's attorney of record as follows:

Ray Meiers
Endurance Law Group
180 West Michigan Avenue, Suite 500
Jackson, MI 49201



Erica D. Klein

Opposition filed against Appl. No. 86/444,356
Sirius XM Radio Inc. v. DEWESoft, LLC
Exhibit Filed by Sirius XM Radio Inc.

EXHIBIT A

Int. Cl.: 38

Prior U.S. Cls.: 100, 101, and 104

Reg. No. 3,071,291

United States Patent and Trademark Office

Registered Mar. 21, 2006

**SERVICE MARK
PRINCIPAL REGISTER**

SIRIUS

SIRIUS SATELLITE RADIO INC. (NEW YORK
CORPORATION)
1221 AVENUE OF THE AMERICAS
36TH FLOOR
NEW YORK, NY 10020

NATIONALLY TO VEHICLES AND STATIONARY
OBJECTS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 11-0-1999; IN COMMERCE 11-0-1999.

SN 75-769,598, FILED 8-6-1999.

FOR: BROADCASTING SERVICES, NAMELY A
MULTI-CHANNEL RADIO SERVICE BROADCAST

GINA HAYES, EXAMINING ATTORNEY

Opposition filed against Appl. No. 86/444,356
Sirius XM Radio Inc. v. DEWESoft, LLC
Exhibit Filed by Sirius XM Radio Inc.

EXHIBIT B

Int. Cl.: 9

Prior U.S. Cls.: 21, 23, 26, 36, and 38

United States Patent and Trademark Office

Reg. No. 3,114,505

Registered July 11, 2006

**TRADEMARK
PRINCIPAL REGISTER**

SIRIUS

SIRIUS SATELLITE RADIO INC. (DELAWARE
CORPORATION)
1221 AVENUE OF THE AMERICAS
36TH FLOOR
NEW YORK, NY 10020

FOR: EQUIPMENT FOR RECEIVING RADIO
TRANSMISSIONS BROADCAST BY SATELLITE,
NAMELY, RADIOS, TUNERS, DECODERS, DEMO-

DULATORS AND RECEIVERS , IN CLASS 9 (U.S.
CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-0-2001; IN COMMERCE 2-0-2001.

SN 75-778,346, FILED 8-18-1999.

GINA HAYES, EXAMINING ATTORNEY

Opposition filed against Appl. No. 86/444,356
Sirius XM Radio Inc. v. DEWESoft, LLC
Exhibit Filed by Sirius XM Radio Inc.

EXHIBIT C

Int. Cls.: 9, 35, and 38

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, 102, and 104

Reg. No. 3,204,232

Registered Jan. 30, 2007

United States Patent and Trademark Office

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

SIRIUS

SIRIUS SATELLITE RADIO INC. (DELAWARE CORPORATION)
36TH FLOOR
1221 AVENUE OF THE AMERICAS
NEW YORK, NY 10020

FOR: EQUIPMENT FOR RECEIVING BROADCAST RADIO TRANSMISSIONS, NAMELY, RADIOS, TUNERS, DECODERS, DEMODULATORS, RECEIVERS AND ANTENNAS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-0-2001; IN COMMERCE 2-0-2001.

FOR: ELECTRONIC RETAILING SERVICES VIA COMPUTER FEATURING MUSIC, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

FIRST USE 4-0-2004; IN COMMERCE 4-0-2004.

FOR: BROADCASTING SERVICES, NAMELY A MULTI-CHANNEL RADIO SERVICE BROADCAST DIRECTLY TO VEHICLES AND STATIONARY OBJECTS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 11-0-1999; IN COMMERCE 11-0-1999.

OWNER OF U.S. REG. NO. 2,914,720.

SN 75-796,898, FILED 9-10-1999.

VIVIAN MICZNIK FIRST, EXAMINING ATTORNEY

Opposition filed against Appl. No. 86/444,356
Sirius XM Radio Inc. v. DEWESoft, LLC
Exhibit Filed by Sirius XM Radio Inc.

EXHIBIT D

Int. Cls.: 9 and 38

Prior U.S. Cls.: 21, 23, 26, 36, 38, 100, 101, and 104

United States Patent and Trademark Office

Reg. No. 3,117,441

Registered July 18, 2006

**TRADEMARK
SERVICE MARK
PRINCIPAL REGISTER**

SIRIUS SATELLITE RADIO

SIRIUS SATELLITE RADIO INC. (DELAWARE CORPORATION)
36TH FLOOR
1221 AVENUE OF THE AMERICAS
NEW YORK, NY 10020

FOR: EQUIPMENT FOR RECEIVING BROADCAST RADIO TRANSMISSIONS, NAMELY, RADIOS, TUNERS, DECODERS, DEMODULATORS, RECEIVERS AND ANTENNAS, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 2-0-2001; IN COMMERCE 2-0-2001.

FOR: BROADCASTING SERVICES, NAMELY A MULTI-CHANNEL RADIO SERVICE BROADCAST

DIRECTLY TO VEHICLES AND STATIONARY OBJECTS, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 11-0-1999; IN COMMERCE 11-0-1999.

OWNER OF U.S. REG. NO. 2,914,720.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SATELLITE RADIO", APART FROM THE MARK AS SHOWN.

SN 75-796,701, FILED 9-10-1999.

VIVIAN MICZNIK FIRST, EXAMINING ATTORNEY

Opposition filed against Appl. No. 86/444,356
Sirius XM Radio Inc. v. DEWESoft, LLC
Exhibit Filed by Sirius XM Radio Inc.

EXHIBIT E

United States of America
United States Patent and Trademark Office

((SiriusXM))
SATELLITE RADIO

Reg. No. 4,199,434

SIRIUS XM RADIO INC. (DELAWARE CORPORATION)
1221 AVENUE OF THE AMERICAS, 36TH FLOOR
NEW YORK, NY 10020

Registered Aug. 28, 2012

Int. Cl.: 9

FOR: ELECTRONIC HARDWARE DEVICE FOR RECEIVING BROADCAST RADIO TRANSMISSIONS AND AUDIO, VISUAL AND DATA INFORMATION, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

TRADEMARK

FIRST USE 10-0-2011; IN COMMERCE 10-0-2011.

PRINCIPAL REGISTER

OWNER OF U.S. REG. NOS. 3,071,291, 3,818,003, AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SATELLITE RADIO", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORD "SIRIUSXM" WITH THREE CURVED LINES ON EACH SIDE ABOVE THE WORDS "SATELLITE RADIO".

SN 85-279,869, FILED 3-29-2011.

ANGELA M. MICHELL, EXAMINING ATTORNEY



David J. Kyjse

Director of the United States Patent and Trademark Office

Opposition filed against Appl. No. 86/444,356
Sirius XM Radio Inc. v. DEWESoft, LLC
Exhibit Filed by Sirius XM Radio Inc.

EXHIBIT F

United States of America
United States Patent and Trademark Office

SIRIUSXM

Reg. No. 4,199,433

Registered Aug. 28, 2012

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

SIRIUS XM RADIO INC. (DELAWARE CORPORATION)
1221 AVENUE OF THE AMERICAS, 36TH FLOOR
NEW YORK, NY 10020

FOR: ELECTRONIC HARDWARE DEVICE FOR RECEIVING BROADCAST RADIO TRANSMISSIONS AND AUDIO, VISUAL AND DATA INFORMATION, IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 10-0-2011; IN COMMERCE 10-0-2011.

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

OWNER OF U.S. REG. NOS. 2,547,677, 3,204,232, AND OTHERS.

SN 85-279,859, FILED 3-29-2011.

ANGELA M. MICHELI, EXAMINING ATTORNEY



David J. Kyffes

Director of the United States Patent and Trademark Office

Opposition filed against Appl. No. 86/444,356
Sirius XM Radio Inc. v. DEWESoft, LLC
Exhibit Filed by Sirius XM Radio Inc.

EXHIBIT G

United States of America
United States Patent and Trademark Office

SIRIUSXM

Reg. No. 4,045,088

SIRIUS XM RADIO INC. (DELAWARE CORPORATION)
1221 AVENUE OF THE AMERICAS, 36TH FLOOR
NEW YORK, NY 10020

Registered Oct. 25, 2011

Int. Cls.: 35, 38 and 41

FOR: ONLINE RETAIL STORE SERVICES IN THE FIELD OF MUSIC AND CONSUMER ELECTRONICS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

SERVICE MARK

FIRST USE 2-0-2011; IN COMMERCE 2-0-2011.

PRINCIPAL REGISTER

FOR: RADIO BROADCASTING SERVICES; WEBCASTING SERVICES; STREAMING OF AUDIO, VISUAL AND DATA INFORMATION VIA A GLOBAL COMPUTER NETWORK, MOBILE TELEPHONE OR OTHER ELECTRONIC OR DIGITAL COMMUNICATIONS NETWORK OR DIGITAL COMMUNICATIONS DEVICE; ELECTRONIC AND DIGITAL TRANSMISSION AND DELIVERY OF VOICE, DATA, TEXT, IMAGES, GRAPHICS, SIGNALS AND MESSAGES VIA SATELLITE, A GLOBAL COMPUTER NETWORK, MOBILE TELEPHONE OR OTHER ELECTRONIC OR DIGITAL COMMUNICATIONS NETWORK OR DEVICE; TRANSMISSION OF AUDIO, VISUAL AND DATA INFORMATION AVAILABLE FOR DOWNLOAD VIA A GLOBAL COMPUTER NETWORK, MOBILE TELEPHONE OR OTHER ELECTRONIC OR DIGITAL COMMUNICATIONS NETWORK OR DIGITAL COMMUNICATIONS DEVICE, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 11-0-2008; IN COMMERCE 11-0-2008.



FOR: ENTERTAINMENT SERVICES, NAMELY, PROVIDING AUDIO PROGRAMS FEATURING MUSIC, SPORTS, TALK, NEWS AND DATA VIA SATELLITE, GLOBAL COMPUTER NETWORK, TELECOMMUNICATION NETWORK, WIRELESS COMMUNICATION NETWORK, OR OTHER ELECTRONIC OR DIGITAL COMMUNICATIONS NETWORK OR DIGITAL COMMUNICATIONS DEVICE, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 11-0-2008; IN COMMERCE 11-0-2008.

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

David J. Kappas

Director of the United States Patent and Trademark Office

OWNER OF U.S. REG. NOS. 2,547,677, 3,204,232 AND OTHERS.

SER. NO. 85-279,884, FILED 3-29-2011.

Opposition filed against Appl. No. 86/444,356
Sirius XM Radio Inc. v. DEWESoft, LLC
Exhibit Filed by Sirius XM Radio Inc.

EXHIBIT H

United States of America
United States Patent and Trademark Office

((SiriusXM))
SATELLITE RADIO

Reg. No. 4,082,682

SIRIUS XM RADIO INC. (DELAWARE CORPORATION)
1221 AVENUE OF THE AMERICAS, 36TH FLOOR
NEW YORK, NY 10020

Registered Jan. 10, 2012

Int. Cls.: 35, 38 and 41

FOR: ONLINE RETAIL STORE SERVICES IN THE FIELD OF MUSIC AND CONSUMER ELECTRONICS, IN CLASS 35 (U.S. CLS. 100, 101 AND 102).

SERVICE MARK

FIRST USE 2-0-2011; IN COMMERCE 2-0-2011.

PRINCIPAL REGISTER

FOR: RADIO BROADCASTING SERVICES; WEBCASTING SERVICES; STREAMING OF AUDIO, VISUAL AND DATA INFORMATION VIA A GLOBAL COMPUTER NETWORK, MOBILE TELEPHONE OR OTHER ELECTRONIC OR DIGITAL COMMUNICATIONS NETWORK OR DIGITAL COMMUNICATIONS DEVICE; ELECTRONIC AND DIGITAL TRANSMISSION AND DELIVERY OF VOICE, DATA, TEXT, IMAGES, GRAPHICS, SIGNALS AND MESSAGES VIA SATELLITE, A GLOBAL COMPUTER NETWORK, MOBILE TELEPHONE OR OTHER ELECTRONIC OR DIGITAL COMMUNICATIONS NETWORK OR DEVICE; TRANSMISSION OF AUDIO, VISUAL AND DATA INFORMATION AVAILABLE FOR DOWNLOAD VIA A GLOBAL COMPUTER NETWORK, MOBILE TELEPHONE OR OTHER ELECTRONIC OR DIGITAL COMMUNICATIONS NETWORK OR DIGITAL COMMUNICATIONS DEVICE, IN CLASS 38 (U.S. CLS. 100, 101 AND 104).

FIRST USE 11-24-2010; IN COMMERCE 11-24-2010.



FOR: ENTERTAINMENT SERVICES, NAMELY, PROVIDING AUDIO PROGRAMS FEATURING MUSIC, SPORTS, TALK, NEWS AND DATA VIA SATELLITE, GLOBAL COMPUTER NETWORK, TELECOMMUNICATION NETWORK, WIRELESS COMMUNICATION NETWORK, OR OTHER ELECTRONIC OR DIGITAL COMMUNICATIONS NETWORK OR DIGITAL COMMUNICATIONS DEVICE, IN CLASS 41 (U.S. CLS. 100, 101 AND 107).

FIRST USE 11-24-2010; IN COMMERCE 11-24-2010.

OWNER OF U.S. REG. NOS. 3,071,291, 3,818,003 AND OTHERS.

David S. Kayas

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "SATELLITE RADIO", APART FROM THE MARK AS SHOWN.

Director of the United States Patent and Trademark Office

Opposition filed against Appl. No. 86/444,356
Sirius XM Radio Inc. v. DEWESoft, LLC
Exhibit Filed by Sirius XM Radio Inc.

EXHIBIT I

United States of America
United States Patent and Trademark Office

((SiriusXM))
READY

Reg. No. 4,451,484

Registered Dec. 17, 2013

Int. Cl.: 9

TRADEMARK

PRINCIPAL REGISTER

SIRIUS XM RADIO INC. (DELAWARE CORPORATION)
1221 AVENUE OF THE AMERICAS, 36TH FLOOR
NEW YORK, NY 10020

FOR: EQUIPMENT FOR RECEIVING BROADCAST RADIO TRANSMISSIONS, NAMELY, RADIOS, TUNERS, DECODERS, DEMODULATORS, RECEIVERS AND ANTENNAS , IN CLASS 9 (U.S. CLS. 21, 23, 26, 36 AND 38).

FIRST USE 11-0-2010; IN COMMERCE 11-0-2010.

OWNER OF U.S. REG. NOS. 2,810,210, 4,199,433 AND OTHERS.

NO CLAIM IS MADE TO THE EXCLUSIVE RIGHT TO USE "READY", APART FROM THE MARK AS SHOWN.

THE MARK CONSISTS OF THE WORD "SIRIUSXM" WITH THREE CURVED LINES ON EACH SIDE ABOVE THE WORD "READY".

SER. NO. 85-947,612, FILED 5-31-2013.

AMEEN IMAM, EXAMINING ATTORNEY



Deborah S. Cohen

Commissioner for Trademarks of the
United States Patent and Trademark Office