

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

In the Matter of Registration No. 3,006,315  
For the mark: STRIKE ZONE  
WWW.FLORIDAMARLINS.COM  
Filing Date: November 28, 2000  
Registration Date: October 11, 2005

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DIRECTV, INC.,	)	
	)	
	)	
Petitioner,	)	CANCELLATION NO.
	)	
vs.	)	
	)	
FLORIDA MARLINS, L.P.	)	
	)	
Respondent.	)	

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**PETITION FOR CANCELLATION**

Petitioner, DIRECTV, Inc., a California corporation with an address at 2230 East Imperial Highway, El Segundo, California 90245 (hereinafter "Petitioner"), is or will be damaged by Registration No. 3,006,315 for the mark STRIKE ZONE WWW.FLORIDAMARLINS.COM, owner of record is FLORIDA MARLINS, L.P. (hereinafter "Respondent"), and hereby petitions to cancel the registration of the same.

As grounds for cancellation, Petitioner, by its attorneys, avers as follows:

1. Petitioner is the owner of two (2) pending trademark applications for marks that incorporate the terms STRIKE ZONE, as set forth herein in paragraphs 3 and 4.

2. On October 11, 2005, the United States Patent and Trademark Office issued Registration No. 3,006,315 for the mark STRIKE ZONE WWW.FLORIDAMARLINS.COM, for the following: entertainment services, namely, providing television programs featuring professional baseball games featuring Florida Marlins baseball (hereinafter referred to as the

“Registration”). Respondent is the record owner of the Registration.

3. On March 2, 2007, Petitioner submitted application Ser. No. 77/120,789 for the mark STRIKE ZONE CHANNEL, for the following: (1) entertainment, namely, a continuing sports show broadcast over television, satellite, audio, and video media; (2) entertainment, namely, television news shows; and (3) production and distribution of television shows and movies, to the United States Patent and Trademark Office.

4. On March 21, 2007, Petitioner submitted application Ser. No. 77/136,916 for the mark STRIKE ZONE CHANNEL and Design, for the following: (1) entertainment, namely, a continuing sports show broadcast over television, satellite, audio, and video media; (2) entertainment, namely, television news shows; and (3) production and distribution of television shows and movies, to the United States Patent and Trademark Office.

5. Petitioner’s applications as described herein have been refused registration by the United States Patent and Trademark Office on the grounds that they are likely to be confused with Respondent’s Registration.

6. Upon information and belief, Respondent, through its intentional nonuse, has abandoned the Registration. Thus, any goodwill that may have been associated with the mark set forth in the Registration has been destroyed by Respondent’s intentional abandonment and nonuse of the mark in commerce.

7. Upon information and belief, Respondent’s mark as set forth in the Registration is not in use in connection with the registered goods and has not been in use for a period of at least two (2) years.

8. Upon information and belief, Respondent’s use of the mark, when it was in actual use, did not include the WWW.FLORIDAMARLINS.COM element and, therefore, was not an

