

peripherals for communication between multiple computers and between computers and local and global computer networks, and instructional manuals sold as a unit therewith.

4. Opposer has extensively used and promoted its AIRPORT Marks and obtained federal registrations for the Marks, including Registration Nos. 2117248, 2640080 and 2786542.

5. Opposer's registrations are valid and subsisting. Accordingly, these registrations provide prima facie evidence of Opposer's ownership of the AIRPORT Marks and of its exclusive right to use the marks in commerce.

6. As a result of Opposer's continuous and extensive use of the AIRPORT Marks, the AIRPORT Marks have become famous and are immediately identifiable as source of products originating with Opposer.

7. Notwithstanding Opposer's prior rights in its AIRPORT Marks, Applicant filed the above referenced application for registration of the mark "Airportronics" for "consumer electronic products, namely, cameras, camera lens, camera cases, camera tripods; personal digital assistants; video equipment namely digital video disk players and digital video cameras; laptop computers; audio equipment, namely audio speakers, compact disc players, stereo receivers, MP3 players; electronic accessories, namely voice recorders, radar detectors, cellular phones, telephone answering machines, digital cordless phones, personal digital assistant cases, personal digital assistant keyboards, personal digital assistant chargers and adapters; and consumer electronic gifts, namely, binoculars and themed telephones" in Class 9.

8. Upon information and belief, Applicant has made no use of its alleged mark in commerce to date.

9. Upon information and belief, Applicant was aware of Opposer's AIRPORT Marks before Applicant adopted its alleged mark.

10. Upon information and belief, Applicants adopted their alleged mark with intent to trade on the fame, popularity and goodwill associated with Opposer's AIRPORT Marks.

Likelihood of Confusion - §2(d)

11. The mark which Applicant seeks to register so closely resembles Opposer's AIRPORT Marks that the use and registration thereof is likely to cause confusion, mistake and deception as to the source or origin of Applicant's goods and will injure and damage Opposer and the goodwill and reputation symbolized by Opposer's Marks.

12. The goods of Applicant are so closely related to the goods and services of Opposer that the public is likely to be confused, to be deceived and to assume erroneously that Applicant's services are those of Opposer or that Applicant's are in some way connected with or sponsored by or affiliated with Opposer, all of which may cause Opposer irreparable damage.

13. Likelihood of confusion in this case is enhanced by the popularity of Opposer's Marks and by the fact that consumers associate these Marks with goods and services sold, approved or endorsed by Opposer; moreover, purchasers of Applicant's goods are prospective purchasers of Opposer's AIRPORT products and services.

Deception/False Suggestion of Connection - §2(a)

14. Applicant's mark so closely resembles Opposer's Marks that it is likely to cause deception in violation of Section 2(a) of the Trademark Act, in that the mark misdescribes the nature or origin of the goods and services, purchasers are likely to believe that the misdescription actually describes the nature or origin of the services, and this is likely to materially alter purchasers' decisions to acquire Applicant's products.

15. Applicant's alleged mark so closely resembles Opposer's Marks that it falsely suggests a connection with Opposer in violation of Section 2(a) of the Trademark Act, because Applicant's alleged mark points uniquely to Opposer, and purchasers will assume that services offered under Applicant's alleged mark are connected with Opposer.

16. Applicant's mark is deceptive in that it falsely suggests a connection with or approval by the Opposer.

17. By reason of the foregoing, Opposer will be damaged by the registration of Applicants' alleged mark and registration should be refused.

WHEREFORE, Opposer prays that this opposition be sustained and that registration be denied.

APPLE COMPUTER, INC.

By 
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Date: January 12, 2004

January 12, 2004

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BOX TTAB FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202



Re: Apple Computer, Inc. -v- 2001 Stereo Systems, Inc.
Application No. 78/065618- AIRPORTRONICS



01-12-2004
U.S. Patent & TMO/TM Mail Rcpt Dt. #78

Dear Sir:

Enclosed for filing is a Notice of Opposition, in duplicate, pertaining to the above-referenced application. Also enclosed is a check in the amount of \$300 to cover the filing fees for one class.

All correspondence pertaining to this petition should be sent to Opposer's counsel, Anthony Lupo and Jennifer Myron, at Arent Fox Kintner Plotkin & Kahn, PLLC, 1050 Connecticut Avenue, NW, Washington, DC 20036 (telephone: 202-857-6000).

Sincerely,



Jennifer Myron

Enclosures