

based upon a bonafide intent to use the mark shown in the application herein being opposed. The Opposer holds prior rights in the mark **WISI** based upon its existing U.S. registration for the mark **WISI and Design**, U.S. Registration No. 1,216,488 and the Opposer's prior continuous use in commerce of the mark **WISI** for the goods identified in Opposer's registration which describes Opposer's goods as: "communication aerials for motor vehicles and ships and structural parts thereof, electrical coaxial cables for use with aerials, electrical coaxial connectors, electrical switches, antenna meters, super high frequency links for use in telecommunications -- namely, microwave antennas, microwave transmitters and receivers and structural parts thereof, microwave relay stations", in International Class 9. The Opposer also for many years has used the mark **WISI** on an extensive range of communication and telecommunication products and devices for broadcasting, transmitting, distributing and receiving sounds, pictures, information, data and messages and for related software products and for related services.

2. Opposer's products and services sold under the trademark **WISI** have been extensively promoted throughout the United States to the relevant trade and to the consuming public.

3. By reason of Opposer's aforesaid registration and extensive promotion and sale of its products, Opposer's name and trademark **WISI** has acquired great recognition and renown, and the relevant trade and public have come to recognize the name and trademark **WISI** as signifying Opposer exclusively.

4. Opposer has duly registered in the United States Patent and Trademark Office and owns the registration for the mark **WISI and Design**, shown in Registration No. 1,216,488. The Opposer's herein identified registration is a valid subsisting registration in full force and effect, and thereby constitutes conclusive prima facie evidence of Opposer's exclusive right to use said mark in commerce.

5. Applicant's claimed trademark **RISI PRODUCTS** for use in connection with the extensive range of products identified in the application in International Class 9, is a mark which is confusingly similar to Opposer's name and trademark **WISI** and Opposer's related marks which show **WISI** as part of a mark. The Opposer's marks are used on related products or services or, based upon information and belief, are for use in association with the products identified in the Applicant's application herein being opposed, and the proposed use of such mark by the Applicant is likely to create confusion, mistake or deception, all to the damage of Opposer, and to the damage of Opposer's rights in its name and trademark, which name and mark the Opposer holds prior rights within, as demonstrated by Opposer's prior registrations of the mark and Opposer's prior use of its marks.

6. Based upon information and belief the goods identified in the Applicant's application for the trademark herein opposed and those products and services sold under the Opposer's respective name and mark could be sold in the same or similar channels of trade, and to the same potential consumers or end-users as the Applicant's products. The Opposer's products and

services are related items to those identified in the Applicant's application in that, on information and belief, the Opposer's products or services could be used in association with Applicant's products or services and as such Applicant's products could be considered as accessory products to those provided by Opposer.

7. Based upon information and belief, the Applicant's earliest possible priority date in the mark is the filing date of the application, November 8, 2000, which is herein opposed. Said priority date of Applicant is substantially after the priority date of Opposer in its marks.

8. The word **RISI** is confusingly similar in sound, and appearance and otherwise to the Opposer's mark **WISI**. The word "products" in the Applicant's mark is disclaimed and not distinctive.

9. Use by the Applicant of the trademark for which registration is sought in the application opposed herein, is without Opposer's consent or permission.

10. Applicant's registration of the trademark herein opposed will result in damage and in the diminishment in sales and the loss of the value of the Opposer's name and mark.

11. This Notice of Opposition is being filed in triplicate and the required fee is enclosed. Please charge any additional costs to our Deposit Account No. 12-0400.

WHEREFORE, Opposer believes it will be damaged by the registration of the claimed trademark in Application Serial No. 76/161,586 in International Class 9 and prays that this

Opposition be sustained and that the Applicant's registration be denied.

Please address all correspondence to Burton S. Ehrlich, Ladas & Parry, 224 South Michigan Avenue, Suite 1200, Chicago, IL 60604, telephone (312) 427-1300.

Respectfully submitted,

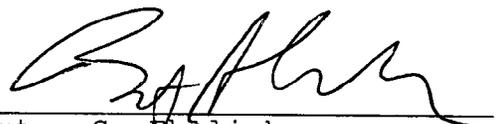
By:


One of Opposer's attorneys

Burton S. Ehrlich
Ladas & Parry
224 S. Michigan Avenue
Suite 1200
Chicago, IL 60604
(312) 427-1300

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited (in duplicate) with the United States Postal Service as First Class Mail addressed to BOX TTAB, Assistant Commissioner for Trademarks, U.S. Trademark Office, 2900 Crystal Drive, Arlington, VA 22202-3513 on April 2, 2004.


Burton S. Ehrlich