

computers, radio-frequency transmitters, transponders which are mounted in customer's vehicles, and trackers which are mounted in security vehicles." This registration is evidence of Boomerang's exclusive, nationwide right to use the BOOMERANG trademark in connection with the goods set forth in the registration.

3. Boomerang is also the owner of application serial no. 76/211,191 for the mark BOOMERANG 2 and application serial no. 76/012,780 for the mark BOOMERANG and design. Both applications are to register the marks for "electronic apparatus and instruments for tracking vehicles, objects and people, namely, computers, radio-frequency transmitters, transponders and trackers" in International Class 9 and "tracking and recovery of vehicles, objects and people" in International Class 42.

4. Upon information and belief, notwithstanding Boomerang's rights in and to its aforementioned trademarks, Applicant filed an application to register BOOMERANG REFRESH, serial no. 78/260,329, for "wireless telecommunications services, namely, transmission of voice and data by electronic means."

5. Registration of Applicant's BOOMERANG REFRESH trademark, in connection with the services described in its application, is likely to cause confusion, to cause mistake, or to deceive purchasers resulting in damage and detriment to Opposer and its reputation.

WHEREFORE, Boomerang requests that registration of Applicant's BOOMERANG REFRESH trademark, relative to the services identified above, be denied and that this opposition be sustained.

Opposer hereby appoints **John H. Weber** and the following attorneys of the law firm of **BAKER & HOSTETLER LLP** as its attorneys with full powers of substitution and revocation, to

prosecute this opposition proceeding and to transact all business in the U.S. Patent and Trademark Office in connection therewith.

Kenneth J. Sheehan
Dennis Cawley
Ellen Burke
Alan Larson
Burman Mathis

Gary Rinkerman
Stephen S. Fabry
Greg Kang
Phong Nguyen

Leo. J. Jennings
Kenneth H. Oh
Ari Indik
John Kidney

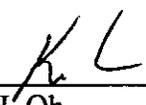
Please direct all correspondence and telephone calls to **John H. Weber**, BAKER & HOSTETLER LLP, Washington Square, Suite 1100, 1050 Connecticut Avenue, N.W., Washington D.C. 20036-5304, (202) 861-1500 (Telephone), (202) 861-1783 (Facsimile), trademarks@bakerlaw.com (Email).

Accordingly, attached hereto is a check in the amount of \$300 for the total filing fee. If any additional fees are required in connection with this filing, authorization is hereby granted to charge Deposit Account No. 50-2036.

Respectfully submitted,

BOOMERANG TRACKING INC.

Date: June 22, 2004

By: 
Kenneth H. Oh
Baker & Hostetler LLP
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June 23, 2004

VIA MESSENGER

Assistant Commissioner for Trademarks
United States Patent and Trademark Office
2900 Crystal Drive
Arlington, Virginia 22202-3513

Re: *Boomerang Tracking Inc. v. Alltel Communications, Inc.*
Mark: **BOOMERANG REFRESH**, Serial No. 78/260,329
Our ref.: 87367-30

Dear Sir:

We enclose the following for filing in the United States Patent and Trademark Office:

Notice of Opposition (in triplicate)

Also enclosed is a check in the amount of \$300.00 for the total filing fee. If any additional fees are required in connection with this filing, please charge Deposit Account No. 50-20-36.

Very truly yours,
BAKER & HOSTETLER LLP

John H. Weber

JHW/jq
Enclosure(s)



06-23-2004

U.S. Patent & TMO/TM Mail Rcpt Dt. #22