

ESTTA Tracking number: **ESTTA382513**

Filing date: **12/08/2010**

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 parties oppose registration of the indicated application.

Opposers Information

| | | | |
|---------------------------------------|--|--|--|
| Name | MasterCard International Incorporated | | |
| Granted to Date of previous extension | 12/08/2010 | | |
| Address | 2000 Purchase Street Purchase, NY 10577-2405 UNITED STATES | | |

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|---------|---|-------------|----------|
| Name | Maestro International Incorporated | | |
| Entity | Corporation | Citizenship | Delaware |
| Address | 2000 Purchase Street Purchase, NY 10577 UNITED STATES | | |

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| Name | Maestro U.S.A., Inc. | | |
| Entity | Corporation | Citizenship | New York |
| Address | 2000 Purchase Street Purchase, NY 10577 UNITED STATES | | |

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|----------------------|---|--|--|
| Attorney information | Paul J. Reilly Baker Botts, L.L.P. 30 Rockefeller Plaza New York, NY 10112 UNITED STATES nytmdpt@bakerbotts.com, paul.reilly@bakerbotts.com, jennifer.lazo@bakerbotts.com, wykysa.fulton@bakerbotts.com | | |
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Applicant Information

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|------------------------|--|------------------------|------------|
| Application No | 77524624 | Publication date | 08/10/2010 |
| Opposition Filing Date | 12/08/2010 | Opposition Period Ends | 12/08/2010 |
| Applicant | AIRCOM International Limited Randalls Way Cassini Court, Randalls Research Park Leatherhead, Surrey, KT227TW UNITED KINGDOM | | |

Goods/Services Affected by Opposition

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| Class 009. All goods and services in the class are opposed, namely: Hardware and software comprised within local and long distance telephone networks, local area networks, wide area networks, cellular and |
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wireless networks for network planning, optimization, configuration and performance management; computer software for network planning, optimization, configuration and performance management; computer software for analysis of telecommunications and data communications networks

Class 038.

All goods and services in the class are opposed, namely: Telecommunications, namely, the transmission of voice, data, messages and images via local area networks, wide area networks and wireless networks; mobile telecommunications network services, namely, mobile and cellular telephone communications

Class 042.

All goods and services in the class are opposed, namely: Technological services, namely, technical consultation in the technology field of telecommunications; research and development in the field of telecommunications networks; design and development of computer hardware and software for telecommunications and network services; engineering consultancy services in the field of computer software, hardware and telecommunications in relation to the planning, roll out, optimization, configuration and performance management of telecommunications networks; technical support services, namely, troubleshooting and monitoring of telecommunications network systems including the software and hardware comprised therein

Grounds for Opposition

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|--------------------------------------|-----------------------------|
| Priority and likelihood of confusion | Trademark Act section 2(d) |
| Dilution | Trademark Act section 43(c) |

Marks Cited by Opposer as Basis for Opposition

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|-----------------------|--|-----------------------|------------|
| U.S. Registration No. | 2990799 | Application Date | 07/15/1999 |
| Registration Date | 09/06/2005 | Foreign Priority Date | NONE |
| Word Mark | MAESTRO | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 036. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19 Financial services, namely, banking, debit card services, electronic funds and currency transfer services, electronic payments services, namely, processing and transmission of bill payment data, cash management services, namely, cash disbursement services, automatic teller machine services, and debit card transaction authorization and settlement services; consultation services relating to all the aforesaid services | | |

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| U.S. Registration No. | 2990911 | Application Date | 09/17/2002 |
| Registration Date | 09/06/2005 | Foreign Priority Date | NONE |
| Word Mark | MAESTRO | | |

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|---------------------|---|--|--|
| Design Mark | MAESTRO | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 009. First use: First Use: 1992/08/19 First Use In Commerce: 1992/08/19 magnetic data carriers in the form of magnetically encoded debit and credit cards | | |

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| U.S. Registration No. | 3149340 | Application Date | 11/01/2001 |
| Registration Date | 09/26/2006 | Foreign Priority Date | NONE |
| Word Mark | MAESTRO E-COMMERCE | | |
| Design Mark | MAESTRO E-COMMERCE | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 036. First use: First Use: 2001/12/00 First Use In Commerce: 2001/12/00 FINANCIAL SERVICES, NAMELY BANKING SERVICES AND DEBIT CARD SERVICES; CHARGE CARD AND STORED VALUE PREPAID CARD SERVICES; FINANCIAL ADVISORY AND CONSULTATION SERVICES RELATING TO ALL THE AFORESAID SERVICES | | |

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| U.S. Application No. | 78091212 | Application Date | 11/01/2001 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | MAESTRO E-COMMERCE | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | Class 009. First use: COMPUTER HARDWARE AND ENCRYPTION SOFTWARE FOR ENABLING SECURE TRANSMISSION OF DIGITAL INFORMATION, NAMELY, FINANCIAL AND CREDIT CARD INFORMATION OVER GLOBAL COMPUTER NETWORKS; COMPUTER SOFTWARE FOR SECURE DATA STORAGE AND RETRIEVAL AND TRANSMISSION OF CONFIDENTIAL CUSTOMER FINANCIAL INFORMATION USED BY INDIVIDUALS, BANKING AND FINANCIAL INSTITUTIONS; ENCODED ELECTRONIC CHIP CARDS CONTAINING PROGRAMMING USED IN FINANCIAL TRANSACTIONS AND BANKING, MAGNETICALLY ENCODED CHARGE CARDS, BANK CARDS; MAGNETICALLY ENCODED CREDIT CARDS, DEBIT CARDS AND PAYMENT | | |

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| | CARDS; MAGNETIC ENCODED CARD READERS; COMPUTER SOFTWARE DESIGNED TO ENABLE SMART CARDS TO INTERACT WITH TERMINALS AND READERS; TELECOMMUNICATIONS EQUIPMENT, NAMELY, POINT OF SALE TRANSACTION TERMINALS; AND COMPUTER SOFTWARE FOR TRANSMITTING, DISPLAYING AND STORING TRANSACTION, IDENTIFICATION, AND FINANCIAL INFORMATION FOR USE IN THE FINANCIAL SERVICES, BANKING AND TELECOMMUNICATIONS INDUSTRIES; RADIO FREQUENCY IDENTIFICATION DEVICES, NAMELY, TRANSPONDERS; AND ELECTRONIC VERIFICATION APPARATUS, NAMELY, COMPUTER HARDWARE AND SOFTWARE FOR VERIFYING AUTHENTICATION OF CHARGE CARDS, BANK CARDS, CREDIT CARDS, DEBIT CARDS AND PAYMENT CARDS |
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| U.S. Application No. | 78163259 | Application Date | 09/12/2002 |
| Registration Date | NONE | Foreign Priority Date | NONE |
| Word Mark | MAESTRO | | |
| Design Mark | | | |
| Description of Mark | NONE | | |
| Goods/Services | <p>Class 009. First use:</p> <p>COMPUTER HARDWARE FOR USE IN THE FINANCIAL SERVICES FIELD; COMPUTER SOFTWARE AND COMPUTER PROGRAMS FOR USE IN CONNECTION WITH FINANCIAL TRANSACTIONS, NAMELY, DEBIT CARD SERVICES, FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS, VERIFICATION OF FINANCIAL INFORMATION, PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS, ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES, TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; COMPUTER DATA ENCRYPTION SOFTWARE FOR USE IN CONNECTION WITH ALL OF THE FOLLOWING, NAMELY, FINANCIAL TRANSACTIONS, ENCRYPTION KEYS, DIGITAL CERTIFICATES FOR USE IN AUTHENTICATION OF DIGITAL SIGNATURES IN AN ELECTRONIC TRANSACTION OR COMMUNICATION, DIGITAL SIGNATURES, SOFTWARE FOR SECURE DATA STORAGE AND RETRIEVAL AND TRANSMISSION OF CONFIDENTIAL CUSTOMER INFORMATION USED BY INDIVIDUALS, BANKING AND FINANCIAL INSTITUTIONS; ENCODED INTEGRATED CIRCUIT CHIP CARDS ("SMART CARDS") CONTAINING PROGRAMMING FOR USE IN CONNECTION WITH FINANCIAL TRANSACTIONS, NAMELY, DEBIT CARD SERVICES, FINANCIAL SETTLEMENT AND AUTHORIZATION SERVICES RELATING TO PAYMENT CARD TRANSACTIONS, VERIFICATION OF FINANCIAL INFORMATION, PAYER AUTHENTICATION SERVICES, NAMELY, PROVISION OF SERVICES RELATING TO THE AUTHENTICATION OF CARDHOLDERS, MERCHANTS AND BANKS FOR PAYMENT CARD TRANSACTIONS, ELECTRONIC FUNDS TRANSFER AND CURRENCY EXCHANGE SERVICES, TRANSACTION AUTHORIZATION AND SETTLEMENT SERVICES; MAGNETICALLY ENCODED CHARGE CARDS, MAGNETICALLY ENCODED BANK CARDS; MAGNETICALLY ENCODED CREDIT CARDS, MAGNETICALLY ENCODED DEBIT CARDS AND MAGNETICALLY ENCODED PAYMENT CARDS; MAGNETIC ENCODED CARD READERS; COMPUTER SOFTWARE DESIGNED TO ENABLE SMART CARDS TO INTERACT WITH TERMINALS AND READERS; TELECOMMUNICATIONS EQUIPMENT, NAMELY, POINT OF SALE</p> | | |

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| | TRANSACTION TERMINALS, AUTOMATIC TELLER MACHINES AND COMPUTER SOFTWARE FOR TRANSMITTING, DISPLAYING AND STORING TRANSACTION, IDENTIFICATION, AND FINANCIAL INFORMATION FOR USE IN THE FINANCIAL SERVICES, BANKING AND TELECOMMUNICATIONS INDUSTRIES; RADIO FREQUENCY IDENTIFICATION DEVICES KNOWN AS TRANSPONDERS; AND ELECTRONIC VERIFICATION APPARATUS FOR VERIFYING AUTHENTICATION OF CHARGE CARDS, BANK CARDS, CREDIT CARDS, DEBIT CARDS AND PAYMENT CARDS, ALL OF THE FOREGOING FOR USE IN CONNECTION WITH THE FINANCIAL SERVICES FIELD |
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| Attachments | 76451513#TMSN.gif (1 page)(bytes) 78091215#TMSN.jpeg (1 page)(bytes) aircom not opposition.PDF (12 pages)(354396 bytes) |
|-------------|--|

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by Overnight Courier on this date.

| | |
|-----------|--------------------|
| Signature | /Jennifer A. Lazo/ |
| Name | Jennifer A. Lazo |
| Date | 12/08/2010 |

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

IN THE MATTER OF APPLICATION

Applicant: AIRCOM International Limited
Mark: **AIRCOM MAESTRO**
Serial No.: 77/524,624
Filed: July 17, 2008
Published in
the **Official Gazette**: August 10, 2010

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MASTERCARD INTERNATIONAL :
INCORPORATED, MAESTRO :
INTERNATIONAL INCORPORATED, and :
MAESTRO U.S.A., INC. :
: :
Opposers, : Opposition No.
: :
v. :
: :
AIRCOM INTERNATIONAL LIMITED :
: :
Applicant. :
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NOTICE OF OPPOSITION

MasterCard International Incorporated, a Delaware corporation, with a place of business at 2000 Purchase Street, Purchase, New York 10577, Maestro International Incorporated, a Delaware corporation, with a place of business at 2000 Purchase Street, Purchase, New York 10577; and Maestro U.S.A., Inc., a New York corporation, with a place of business at 2000 Purchase Street, Purchase, New York 10577 (hereinafter individually and collectively referred to as "Opposers," unless otherwise specified),¹ believe that they will be

¹ Maestro International Incorporated and Maestro U.S.A., Inc. are in privity with MasterCard International Incorporated, which was previously granted an extension of time to oppose the application-at-issue. Maestro International Incorporated is an indirect wholly owned subsidiary of MasterCard Inc. MasterCard International Incorporated, also a wholly owned subsidiary of MasterCard Inc., is the controlling shareholder in Maestro International Incorporated and the sole shareholder in Maestro U.S.A., Inc., the exclusive licensee in the United States of the MAESTRO mark, pleaded herein.

damaged by registration of application Serial No. 77/524,624, filed July 17, 2008, by AIRCOM International Limited (hereinafter "Applicant" unless otherwise specified) for the alleged mark AIRCOM MAESTRO for products and services in International Classes 9, 38 and 42, and, having previously been granted an extension of time to oppose, hereby oppose same.

The specific grounds for this opposition are as follows:

1. Opposer MasterCard International Incorporated (hereinafter referred to as "MasterCard") is a leading global payments solutions company that provides a variety of services in support of the credit, debit and related payment programs of over 24,000 financial institutions and other entities that are its customers. MasterCard's purpose is, *inter alia*, to facilitate various financial services transactions, including the interchange of funds through payment cards, credit cards, debit cards and smart cards as well as provide banking, credit and payment card services, electronic funds and currency transfer services, electronic payment services, and network services to facilitate financial payments. MasterCard owns and administers the MASTERCARD payment card program.

2. More specifically, since 1966, MasterCard has managed a family of well-known, widely accepted payment card brands, including MASTER CHARGE, MASTERCARD, MASTERCARD ELECTRONIC, MAESTRO and CIRRUS (collectively, the "MasterCard Marks"), as well as the famous "Interlocking Circles" device, to identify its various products and services. MasterCard initially owned and administered the celebrated MASTER CHARGE payment program and it now owns and administers the MASTERCARD payment card program. MasterCard's business has a global reach and has continued to experience strong growth.

3. There are over 966 million MASTERCARD payment cards in circulation worldwide bearing the MasterCard Marks, which have been issued by approximately 24,000

licensed member financial institutions. Approximately one third of these cards are currently in circulation in the United States. Opposers' MASTERCARD payment cards are accepted at approximately 28.5 million locations, including retail merchants, automated teller machines, and cash advance locations, and over \$2.4 trillion dollars worth of purchases or cash advances were transacted in 2009 using a payment card bearing the MASTERCARD and Interlocking Circles device. Each retail establishment, ATM and cash advance location which accepts MasterCard's payment cards is required to post decals bearing the MASTERCARD and "Interlocking Circles" device marks at the point of sale. During each of the last three years, MasterCard has expended in excess of \$100,000,000 per year in advertising and promoting its payment card services and other related products and services in connection with the MASTERCARD and "Interlocking Circles" device marks.

4. As a result of enormous advertising, promotion, card usage, point of sale signage and other extensive usage, the MASTERCARD mark has become one of the most renowned and famous brands in the United States and represents an asset of enormous goodwill and of inestimable value to Opposers. The mark MASTERCARD has been used continuously by MasterCard since 1980. MasterCard has also obtained numerous federal registrations for its MASTERCARD mark and owns a large portfolio of other registered marks and marks that are in use which employ the term "MASTER" and the mark MASTERCARD, including, but not limited to, U.S. Reg. Nos. 1,186,117 and 1,257,853.

5. In addition, MasterCard is the controlling shareholder in Opposer Maestro International Incorporated (hereinafter referred to as "Maestro") and the sole shareholder in Opposer Maestro U.S.A., Inc. (hereinafter referred to as "Maestro USA"), the exclusive licensee of the MAESTRO mark in the United States which, in turn, is authorized to grant sublicenses to

MasterCard's member banks to use MAESTRO in the United States in connection with the operation of the MAESTRO program of products and services.

6. Opposer Maestro International Incorporated (hereinafter referred to as "Maestro") is an indirect wholly owned subsidiary of MasterCard Inc. Maestro is an incorporated membership association of banks and other domestic and foreign financial institutions whose purpose is to facilitate various financial services transactions on an international basis. Among the services Maestro offers under the MAESTRO mark are banking, debit and payment card services, electronic funds and currency transfer services, electronic payment services, and network services to facilitate financial payments on an international basis through a network of financial institutions.

7. The MAESTRO mark is used by Opposers MasterCard, Maestro, Maestro USA and their respective licensed financial institutions in connection with financial services, including, but not limited to a global debit card program which operates over a telecommunications network and related services and products, such as magnetic data carriers and computer hardware and software for use in connection with financial transactions. Maestro has used the MAESTRO mark in connection with debit card services and related financial products and services since at least as early as August 1992. Use of the MAESTRO mark has been continuous since the date of first use and said mark has not been abandoned.

8. The MAESTRO mark appears on more than 652 million payment cards worldwide, which are accepted at more than nine million merchant terminals and nearly a million ATMs. In the year 2009 alone, billions of transactions were conducted using payment cards bearing Opposers' MAESTRO mark. Over the years, significant sums have been spent in marketing and promoting the MAESTRO mark, and said mark is the subject of trademark

registrations and/or applications in virtually every country in the world. As a result of extensive advertising, promotion, card usage, point of sale signage and other extensive usage, the mark

MAESTRO has become exclusively associated with Opposers, well recognized, strong and, indeed, famous in the United States.

9. In addition to the foregoing common law trademarks and registrations, Opposer Maestro owns U.S. registrations and applications for the mark MAESTRO and variants for financial products and services in International Classes 9, 35 and 36, including, but not limited to, the following:

| MARK | REG./SER. NUMBER. | REG./FILE DATE | GOODS/FIRST USE |
|--------------------|-------------------|----------------|---|
| MAESTRO | 2,990,799 | 09/06/2005 | financial services, namely, banking, debit card services, electronic funds and currency transfer services, electronic payments services, namely, processing and transmission of bill payment data, cash management services, namely, case disbursement services, automatic teller machine services, and debit card transaction authorization and settlement services; consultation services relating to all the aforesaid services, in Class 36 (First Use August 19, 1992) |
| MAESTRO | 2,990,911 | 09/06/2005 | magnetic data carriers in the form of magnetically encoded debit and credit cards, in Class 9 (First Use August 19, 1992) |
| MAESTRO E-COMMERCE | 3,149,340 | 09/26/2006 | financial services, namely banking services and debit card services; charge card and stored value prepaid card services; financial advisory and consultation services relating to all the aforesaid services, in Class 36 (First Use December 2001) |

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|--------------------|------------|------------|--|
| MAESTRO E-COMMERCE | 78/091,212 | 11/01/2001 | <p>computer hardware and encryption software for enabling secure transmission of digital information, namely, financial and credit card information over global computer networks; computer software for secure data storage and retrieval and transmission of confidential customer financial information used by individuals, banking and financial institutions; encoded electronic chip cards containing programming used in financial transactions and banking, magnetically encoded charge cards, bank cards; credit cards, debit cards and payment cards; magnetic encoded card readers; computer software designed to enable smart cards to interact with terminals and readers; telecommunications equipment, namely, point of sale transaction terminals; and computer software for transmitting, displaying and storing transaction, identification, and financial information for use in the financial services, banking and telecommunications industries; radio frequency identification devices, namely, transponders; and electronic verification apparatus, namely, computer hardware and software for verifying authentication of charge cards, bank cards, credit cards, debit cards and payment cards, in Class 9</p> |
|--------------------|------------|------------|--|

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|---------|------------|------------|--|
| MAESTRO | 78/163,259 | 09/12/2002 | computer hardware for use in the financial services field; computer software and computer programs for use in connection with financial transactions, namely, banking services and debit card services; computer data encryption software for use in connection with all of the following, namely, financial transactions, encryption keys, digital certificates for use in authentication of digital signatures in an electronic transaction or communication, digital signatures, software for secure data storage and retrieval and transmission of confidential customer information used by individuals, banking and financial institutions; encoded integrated circuit chip cards ("smart cards") containing programming for use in connection with financial transactions, namely, banking services and debit card services; magnetically encoded charge cards, magnetically encoded bank cards; magnetically encoded credit cards, magnetically encoded debit cards and magnetically encoded payment cards; magnetic encoded card readers; computer software designed to enable smart cards to interact with terminals and readers; telecommunications equipment, namely, point of sale transaction terminals, automatic teller machines and computer software for transmitting, displaying and storing transaction, identification, and financial information for use in the financial services, banking and telecommunications industries; radio frequency identification devices known as transponders; and electronic verification apparatus for verifying authentication of charge cards, bank cards, credit cards, debit cards and payment cards, all of the foregoing for use in connection with the financial services field, in Class 9 |
|---------|------------|------------|--|

10. The foregoing registrations are valid and subsisting, uncanceled and unrevoked, and in full force and effect. Hereinafter Opposers' foregoing MAESTRO, MASTERCARD and MASTER formative marks, including those registered and/or used in commerce, are referred to individually and/or collectively as the "MAESTRO Marks" which are inherently distinctive.

11. As a result of the long, extensive and widespread use, advertising, promotion, and registration of the MAESTRO Marks on and in association with a wide range of financial products and services and other related or complementary products and services,

including computer software and hardware, consumers, merchants and the trade have become accustomed to associating marks containing MAESTRO, MASTERCARD and/or the component “MASTER” in respect of such goods and services with Opposers and with products and services offered in connection with Opposers’ marks. Indeed, said marks have acquired substantial public and consumer recognition throughout the United States, enjoy valuable goodwill, have become famous and have become assets of considerable value to Opposers.

12. On July 17, 2008, Applicant AIRCOM International Limited, filed U.S. Application Serial No. 77/524,624 to register the mark AIRCOM MAESTRO based on an alleged intent to use in connection with the following products and services:

Hardware and software comprised within local and long distance telephone networks, local area networks, wide area networks, cellular and wireless networks for network planning, optimization, configuration and performance management; computer software for network planning, optimization, configuration and performance management; computer software for analysis of telecommunications and data communications networks in Class 9;

Telecommunications, namely, the transmission of voice, data, messages and images via local area networks, wide area networks and wireless networks; mobile telecommunications network services, namely, mobile and cellular telephone communications in Class 38; and

Technological services, namely, technical consultation in the technology field of telecommunications; research and development in the field of telecommunications networks; design and development of computer hardware and software for telecommunications and network services; engineering consultancy services in the field of computer software, hardware and telecommunications in relation to the planning, roll out, optimization, configuration and performance management of telecommunications networks; technical support services, namely, troubleshooting and monitoring of telecommunications network systems including the software and hardware comprised therein in Class 42.

13. Registration of Applicant’s claimed mark AIRCOM MAESTRO is barred by the provisions of Section 2(d) of the Trademark Act of 1946 because said mark consists of or comprises a mark which so resembles a mark previously registered in the Patent and Trademark Office and/or used in the United States by Opposers and not abandoned, as to be likely, when used in connection with the goods/services of Applicant, to cause confusion, mistake or deception.

14. There is no issue as to priority. Applicant's alleged intent to use is subsequent to Opposers' use of the MAESTRO Marks, the dates of registration and/or the filing dates of the foregoing applications to register the MAESTRO Marks.

15. Applicant's alleged mark, AIRCOM MAESTRO, is a colorable imitation of and/or is confusingly similar to Opposers' aforementioned previously used and registered MAESTRO Marks, including, but not limited to, MAESTRO, and/or many of MasterCard's family of "MASTER" marks. Indeed, Applicant's alleged AIRCOM MAESTRO mark is similar to many of Opposers' MAESTRO Marks in overall appearance, pronunciation and commercial impression.

16. On information and belief, the products which are allegedly offered by Applicant in connection with its mark AIRCOM MAESTRO are similar, complementary or of a related nature to the products and services offered by Opposers in connection with Opposers' MAESTRO Marks, including, but not limited to, MAESTRO.

17. The likelihood of confusion, mistake or deception that would also arise from concurrent use and registration of the applied for mark with Opposers' use and registration of the MAESTRO Marks, is that (a) persons are likely to believe that Applicant's products/services have their source in Opposers, or (b) that Applicant and its goods/services are in some way legitimately connected or affiliated with Opposers when, in fact, they are not.

18. Accordingly, registration of Applicant's alleged mark AIRCOM MAESTRO which is the subject of the application-in-opposition is barred on the grounds that Applicant's mark so resembles Opposers' MAESTRO Marks as to be likely to cause confusion, mistake or deception, under the provisions of Section 2(d) of the Trademark Act of 1946, 15 U.S.C. § 1052(d).

19. Further, registration and use of Applicant's alleged mark AIRCOM MAESTRO which is the subject of the application-in-opposition would, in violation of 15 U.S.C. § 1125(c), likely dilute the distinctiveness of Opposers' famous and highly distinctive MAESTRO Marks, including, but not limited to MAESTRO, which became highly distinctive and famous long prior to the filing date of the application-in-opposition and any alleged first use of AIRCOM MAESTRO by Applicant. Accordingly, Applicant's alleged mark AIRCOM MAESTRO is not entitled to registration under 15 U.S.C. § 1052(f) and Section 13 of the Lanham Act, 15 U.S.C. § 1063.

20. Opposers will be damaged by the registration sought by Applicant within the meaning of 15 U.S.C. §1063 because such registration would support and assist Applicant in the confusing, misleading, deceptive and/or dilutive use of Applicant's alleged mark AIRCOM MAESTRO which is the subject of the application-in-opposition, and would give color of exclusive statutory rights to Applicant in violation and derogation of the prior and superior rights of Opposers.

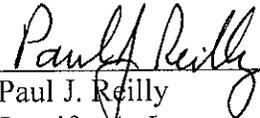
21. In view of the foregoing, issuance of a registration to Applicant for its claimed mark which is the subject of Application Serial No. 77/524,624 would be damaging to Opposers' MAESTRO Marks at common law and federal registrations and applications therefore within the meaning of Section 13 of the Lanham Act, 15 U.S.C. §1063.

WHEREFORE, Opposers pray that this opposition be sustained, that registration be denied to Applicant on its Application Serial No. 77/524,624, and that this honorable Board grant any further relief in favor of Opposers that it deems just in the circumstances of this matter.

Respectfully submitted,
BAKER BOTTS L.L.P.

Dated: December 8, 2010

By


Paul J. Reilly
Jennifer A. Lazo
30 Rockefeller Plaza
New York, NY 10112-0228
(212) 408-2500
Attorneys for Opposers

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **NOTICE OF OPPOSITION** was

served via Express Courier on Applicant's attorney of record as follows:

Jennifer L. Donohue
ARENT FOX LLP
1050 Connecticut Ave. NW
Washington, D.C. 20036-5303

Date: December 8, 2010



Jennifer A. Lazo