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

In the matter of Application No. 76/071,958

Date of Publication: September 18, 2001



01-21-2003

U.S. Patent & TMO/c/TM Mail Rcp

NILES AUDIO CORPORATION  
Opposer,  
  
v.  
  
LIEBERT CORPORATION  
Applicant

Opposition No. 91150731

**APPLICANT'S ANSWER TO NOTICE OF OPPOSITION**

Liebert Corporation, an Ohio corporation, for its answer to the Notice of Opposition filed by Niles Audio Corporation against trademark application number 76/071,958, published under Section 12 of the Act on September 18, 2001, pleads and avers as follows:

1. Answering paragraph 1 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and, accordingly, denies the allegations.
2. Answering paragraph 2 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and, accordingly, denies the allegations.
3. Answering paragraph 3 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and, accordingly, denies the allegations.
4. Answering paragraph 4 of the Notice of Opposition, Applicant admits the allegations contained therein.

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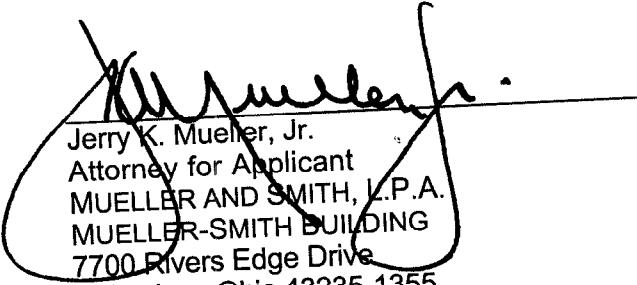
5. Answering paragraph 5 of the Notice of Opposition, Applicant denies the allegations contained therein.
6. Answering paragraph 6 of the Notice of Opposition, Applicant denies the allegations contained therein.
7. There is no paragraph 7 in the Notice of Opposition.
8. Answering paragraph 8 of the Notice of Opposition, Applicant denies the allegations contained therein.
9. Applicant further alleges that it is in the business of manufacturing and selling computer room air conditioners, uninterruptible power supplies (UPS), line power regulators, and like products, and that it commenced in business in 1965.
10. Applicant further alleges that it uses the mark at issue, INTELICONTROL, in connection with UPS units that are used with computers and telecommunications equipment.
11. Applicant further alleges that, specifically, its INTELICONTROL product is used with its NFINITY (Reg. No. 2,489,259) UPS products.
12. Applicant further alleges that has never marketed products for the audio or video markets and that it only supplies products for use with computers and computer rooms.
13. Applicant further alleges that the description of its goods, "electronic controller for uninterruptible power supplies for use with computers and telecommunications equipment", accurately sets forth the goods that it markets.
14. Applicant further alleges that Opposer apparently only uses its mark, INTELLICONTROL, for remote controls for audio and video components.
15. Applicant further alleges that it has never manufactured audio or video components for the audio and video field.
16. Applicant further alleges that it is not in competition with Opposer, so that each company markets a different product to a different customer base through different marketing channels.
17. Applicant further alleges that its use of the INTELICONTROL mark is not likely to result in

any belief that that Applicant or its INTELICONTROL products are connected with, sponsored by, affiliated with, or approved by Opposer.

18. Applicant further alleges that the INTELICONTROL mark does not so resemble the alleged INTELLICONTROL mark of Opposer as used on each parties respect goods, as to be likely to cause confusion, or to cause mistake, or to deceive.

In view of the foregoing, Applicant contends that this Notice of Opposition is groundless and baseless in fact; that Opposer has not shown wherein it will be, or is likely to be, damaged by the registration of Applicant's trademark; that Applicant's trademark is manifestly distinct from any alleged mark of the Opposer or any designation of the Opposer; and Applicant prays that the Notice of Opposition be dismissed.

Respectfully submitted,

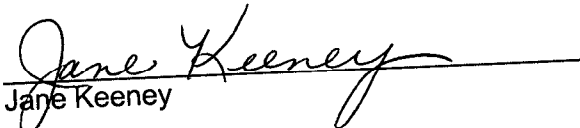


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CERTIFICATE OF MAILING BY EXPRESS MAIL  
"Express Mail" mailing label number EV 086147601 US  
Date of Deposit: January 21, 2003

I hereby certify that this trademark application is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above, addressed to:

Box TTAB NO FEE  
Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513



Jane Keeney

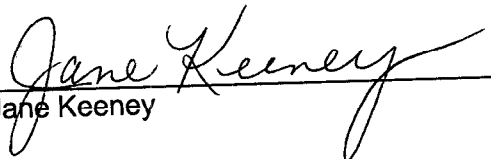
CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing "APPLICANT'S ANSWER TO NOTICE OF OPPOSITION" was served upon Opposer's attorneys of record on January 21, 2003, by depositing a copy of same with the U.S. Postal Service, as first class mail, postage prepaid, in an envelope addressed to:

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