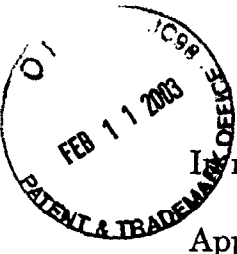


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD



In re: Twin Lakes Internet Service, Inc., a
Tennessee corporation
Application Serial No. 78/122,361
Date of Filing: April 17, 2002
Service Mark: TWIN LAKES INTERNET SERVICE, INC.
Date of Publication: November 12, 2002

TWIN LAKES TELEPHONE
COOPERATIVE, INC.

Opposer,

v.

TWIN LAKES INTERNET
SERVICE, INC.

Applicant.

Opposition No. _____



02-11-2003
U.S. Patent & TMO/TM Mail Rcpt Dt. #67

NOTICE OF OPPOSITION

Twin Lakes Telephone Cooperative, Inc. (hereinafter "Opposer"), a corporation duly organized and existing under the laws of the State of Tennessee and having its principal place of business at 201 West Gore Avenue, Gainesboro, Tennessee 38562, believes it will be damaged by registration of the service mark shown in the above-identified application, and hereby opposes the registration of the mark identified therein.

The grounds for the opposition are as follows:

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1. By the application herein opposed, Twin Lakes Internet Service, Inc. (hereinafter referred to as "Applicant") seeks to obtain registration of the mark TWIN LAKES INTERNET SERVICE, INC. under the provisions of the Trademark Act of 1946 for "providing multiple user dial-up, dedicated and wireless access to the Internet; consultation services in the field of multiple user dial-up, dedicated and wireless access to the Internet" in International Class 038.

2. The application Serial No. 78/122,361 was filed on April 17, 2002 as an Intent to Use application pursuant to Section 1(b)(1) of the Trademark Act of 1946.

3. For more than 50 years the Opposer has been using the name and mark "Twin Lakes" and "Twin Lakes Telephone Cooperative Corporation" in connection with local and long distance telephone services. Since 1994, and long before Applicant filed for registration of its mark, the Opposer has used the names and marks "Twin Lakes" and "Twin Lakes Telephone Cooperative Corporation," (collectively the "TWIN LAKES Marks") for its Internet services. In addition, the Opposer has also used the TWIN LAKES Marks for its high-speed Internet access (DSL) services, voice mail, calling cards, interactive educational television and access to long distance telephone carriers.

4. The Opposer has expended a substantial amount of time, effort and monetary resources to promote its TWIN LAKES Marks in Tennessee and the surrounding area. As a result of its long term and widespread use of the TWIN LAKES Marks, the Opposer has developed substantial good will, public recognition and secondary meaning in and to the TWIN LAKES Marks, and has become

recognized as the exclusive source of services offered under such marks in its service area.

5. Applicant's mark TWIN LAKES INTERNET SERVICE, INC. is confusingly similar to the TWIN LAKES Marks. It appropriates the identical, dominant part of the Opposer's marks, "Twin Lakes," followed by the generic terms "internet service, inc." which have little or no trademark significance.

6. The Applicant seeks registration of its mark for services which are directly competitive with those provided by the Opposer. In fact, the Applicant petitioned the Federal Communications Commission to obtain bandwidth from the Opposer in order to provide the same types of services, to the same customers in the same geographic area serviced by the Opposer.

7. Applicant's registration of TWIN LAKES INTERNET SERVICE, INC. is likely to cause injury to Opposer and to its business reputation, and is likely to injure and impair Opposer's rights in the TWIN LAKES Marks by causing confusion, mistake or deception as to the source or sponsorship of services provided under the Applicant's mark.

8. Regardless of the identification associated among members of the public as between the Opposer and its TWIN LAKES Marks, the attempted registration of the confusingly similar mark TWIN LAKES INTERNET SERVICE, INC. would afford Applicant a colorable exclusive right to TWIN LAKES INTERNET SERVICE, INC. and would thereby interfere with previously established usages by the Opposer and the Opposer's established rights.

WHEREFORE, Opposer prays that Application Serial No. 78/122,361 be rejected, that registration be denied and refused and for such other relief as is appropriate and permitted under the circumstances.

A duplicate copy of this Notice of Opposition and the fee required under 37 CFR §2.6(a)(17) are enclosed herewith.

TWIN LAKES TELEPHONE COOPERATIVE CORPORATION

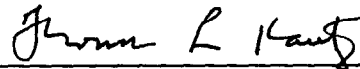
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CERTIFICATE OF HAND FILING

I hereby certify that the original of this Notice of Opposition will be hand
filed in the United States Patent and Trademark Office on February 11, 2003.



Thomas L. Kautz, Attorney for Opposer