

# TTAB

Attorney Docket No. 53624-00004USTP

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

In the matter of Application Serial No. 76/472,106  
Published in the *Official Gazette (Trademarks)* on May 18, 2004

The Estate of Kurt Lennart Ohlson  
and/or the Executor of the Estate of  
Kurt Lennart Ohlson,

Opposer,

v.

ExpoGraf CardKeep International AB,

Applicant.

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Opposition No. 91162133

**ANSWER TO NOTICE OF OPPOSITION**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-01451

Sir:

Applicant ExpoGraf CardKeep International AB (“ExpoGraf”) in answer to the Notice of  
Opposition, states as follows:



11-01-2004

U.S. Patent & TMO/c/TM Mail Rpt Dt. #74

Date of deposit: October 26, 2004

I hereby certify under 37 CFR 1.8(a) that this correspondence is being deposited with the United States Postal Service as first class mail with sufficient postage on the date indicated above and is addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

Kim Kennedy  
Kim Kennedy

Each numbered or alphabetically-identified paragraph herein corresponds to the same numbered or alphabetically-identified paragraph of the Notice of Opposition, and comprises ExpoGraf CardKeep International AB's answer to same (Opposer refers to Applicant as "Defendant" in its Notice of Opposition, however the Applicant ExpoGraf will be referred to as "Applicant" or "ExpoGraf" in this Answer). Where the paragraphs in the Notice of Opposition are neither numbered nor alphabetically identified, such paragraphs will be referred to by the page on which the paragraph begins.

With reference to the first paragraph on Page 1 of the Notice of Opposition, ExpoGraf denies that Opposer The Estate of Kurt Lennart Ohlson and/or the Executor of the Estate of Kurt Lennart Ohlson ("Opposer") will be damaged by ExpoGraf's registration for the mark CARDKEEP as shown in U.S. Trademark Application Serial No. 76/472,106 ("ExpoGraf's Mark").

1. Applicant denies that Opposer is the owner of ExpoGraf's mark.
2. Opposer owns, on information and belief, Swedish Trademark Registration No. 326979, registered May 15, 1998.
3. Admitted that Opposer and ExpoGraf entered into a License Agreement that includes provisions relating to the CARDKEEP trademark and other intellectual property.
4. The License Agreement referenced in paragraph 3 above contains provisions relating to sub-license and other terms. The License Agreement terms speak for themselves.
5. Denied. The License Agreement at paragraph 9 specifically allows ExpoGraf to apply for registration of the trademark CARDKEEP in the U.S.

6. Denied.

### **ARBITRATION PROVISION**

Applicant ExpoGraf notes that the License Agreement referred to by Opposer contains a provision mandating disputes arising due to the contract be determined by the Gothenberg clauses regarding arbitration. In answering this opposition, ExpoGraf does not waive its right to request arbitration and files this answer to avoid a default judgment.

Applicant requests that the opposition be denied and registration of the Expograf Mark and such other relief attendant thereto. Applicant does not believe there are any fees due with the filing of this document, however, should the Office deem such fees are due they are authorized to charge Deposit Account No. 10-0447 (53624-00004USTP) for same.

Respectfully submitted,

Date: October 26, 2004

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### **CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing "Answer to Notice of Opposition" was served upon Olivia Tolan, Albihts Stockholm AB, Linnegatan 2, Box 5581, SE-114 85 Stockholm Sweden, by sending same via Federal Express, on this the 26<sup>th</sup> day of October, 2004.

Margaret A. Boulware