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

Proceeding	91170428
Party	Defendant ASSA ABLOY IP AB ASSA ABLOY IP AB Box 70340 SE-107 23 Stockholm SEX ,
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Submission	Answer
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Date	05/24/2006
Attachments	ENTRE MATIC PAGE 1.pdf (1 page)(3283228 bytes) ENTRE MATIC PAGE 2.pdf (1 page)(3401413 bytes) ENTRE MATIC PAGE 3.pdf (1 page)(3349761 bytes) ENTRE MATIC PAGE 4.pdf (1 page)(2389588 bytes) ENTRE MATIC PAGE 5.pdf (1 page)(1604298 bytes) ENTRE MATIC PAGE 6.pdf (1 page)(1947034 bytes)

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

In the matter of application Serial No. 79/003,259
Published in the *Official Gazette* (Trademarks) on October 18, 2005

INTERMATIC INCORPORATED

Opposer,

v.

ASSA ABLOY IP AB

Applicant.

Opposition No.: 91170428

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

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant, ASSA ABLOY IP AB, for its Answer to the Notice of Opposition filed by INTERMATIC INCORPORATED, against application for registration of Applicants' trademark ENTRE MATIC AND DESIGN, Serial No. 79/79003259, filed April 19, 2004, and published in the *Official Gazette* of October 18, 2005, 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 on that basis denies same, leaving Opposer to its strict proof at trial.

2. Answering Paragraph 2 through 7 of the Notice of Opposition, Applicant does not dispute the allegations contained therein.
3. Answering Paragraph 8 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 deny the allegations, leaving Opposer to its strict proof at trial.
4. Answering Paragraph 9 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 deny the allegations, leaving Opposer to its strict proof at trial.
5. Answering Paragraph 10 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 deny the allegations, leaving Opposer to its strict proof at trial.
6. Answering Paragraph 11 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 deny the allegations, leaving Opposer to its strict proof at trial.
7. Answering Paragraph 12 of the Notice of Opposition, Applicant denies the allegations contained therein, leaving Opposer to its strict proof at trial.
8. Answering Paragraph 13 of the Notice of Opposition, Applicant admits it is a Swedish joint stock company and denies the remaining allegations contained therein, leaving Opposer to its strict proof at trial.
9. Answering Paragraph 14 of the Notice of Opposition, Applicant admits the allegations contained therein.
10. Answering Paragraph 15 of the Notice of Opposition, Applicant denies each and every allegation contained therein, leaving Opposer to its strict proof at trial.
11. Answering Paragraph 16 of the Notice of Opposition, Applicant denies each and every allegation contained therein, leaving Opposer to its strict proof at trial.

12. Answering Paragraph 17 of the Notice of Opposition, Applicant denies each and every allegation contained therein, leaving Opposer to its strict proof at trial.
13. Answering Paragraph 18 of the Notice of Opposition, Applicant denies each and every allegation contained therein, leaving Opposer to its strict proof at trial.

AFFIRMATIVE DEFENSES

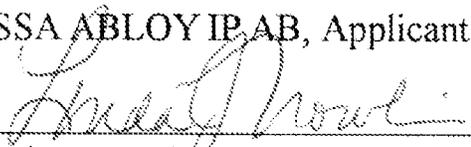
1. Opposer lacks standing to bring this opposition.
2. Opposer's Notice of Opposition fails to state legally sufficient grounds for sustaining the opposition and is merely anti-competitive in nature.
3. Opposer failed to state a claim for which relief may be granted.
4. Opposer is barred from opposing Applicant's registration under the doctrine of laches.
5. Opposer is barred from opposing Applicant's registration because Opposer has been negligent in policing its alleged rights in its trademarks as Applicant's mark has been in use in commerce in the United States and Opposer never sent a cease and desist letter during this time asking that Applicant cease use of its mark.
6. Opposer has failed to show how it reasonably believes that it will be damaged by the registration of Applicant's mark as apparently no damage has occurred in the time that each parties marks and goods have co-existed peacefully.
7. Opposer is barred from opposing Applicant's registration on grounds that Opposer's trademark can not peacefully co-exist with Applicant's mark when Applicant already owns a prior registration for the mark ENTRE MATIC in Class 9, Reg. No. 1,905,289, which has been peacefully co-existing along with Opposer's marks in Class 9 for more than 11 years.
8. Opposer is barred from opposing Applicant's registration on grounds that Opposer's trademark can not peacefully co-exist with Applicant's mark due simply to Applicant's inclusion of a triangular type design in its mark, which there are numerous other current registrations on the Principal Register for triangular designs used in Class 9, as well as those used in Common Law for goods in Class 9.

9. There is no likelihood of confusion between Applicant's mark and Opposer's mark because, among other things, the two marks are different in appearance, sound and meaning.
10. There is no likelihood of confusion between Applicant's mark and Opposer's mark because, among other things, the goods marketed, sold and used or intended to be used in connection with the two marks are different, sold in different channels of trade and would not be encounter by the same consumer in the marketplace.
11. No damage or injury has resulted, will result, or is likely to result to Opposer from registration of Applicant's mark due to, among other factors, the difference between the marks, Applicant's prior registration and co-existence of each parties marks, and the distinct and different nature of each parties' goods associated with their marks.
12. The marks are distinctive of each other and no likelihood of confusion exists.

In view of the foregoing, Applicant contends that this 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 marks of the Opposer or any designations of the Opposer; that Applicant's mark and the goods covered thereby have peacefully co-existed for many years without any reported incident of consumer confusion or mistake; that Applicant's mark and

the goods covered thereby are different from Opposer's marks and goods covered therein.
As a result of all the foregoing, Applicant prays that this Opposition be dismissed and that
Applicant be granted registration of its trademark.

ASSA ABLOY IP AB, Applicant.



Linda J. Nowlin

DINEFF TRADEMARK LAW LIMITED

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Chicago, Illinois 60606

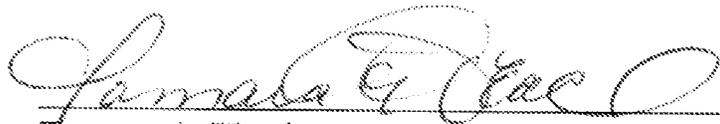
(312) 338 1000

Its Attorney

Dated: May 24, 2006

Certificate of Service

I hereby certify that a copy of the foregoing APPLICANTS' ANSWER TO NOTICE OF OPPOSITION was mailed first-class mail, postage prepaid, to Mr. John Gabrielides, BRINKS HOFER GILSON AND LIONE, P.O. Box 10395, Chicago, IL 60610, this 24th day of May, 2006.



Tamara A. Head
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160 N. Wacker Drive.
Chicago, Illinois 60606
(312) 338 1000
Dated: May 24, 2006