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

Proceeding	91184090
Party	Defendant Arastra, Inc.
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Submission	Answer
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Date	06/23/2008
Attachments	ArastraAnswer_00069610[1].pdf (5 pages)(22868 bytes)

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

Aastra Technologies Limited.

Opposer,

Opposition No. 91184090

Mark: ARASTRA

Serial No. 77319532

v.

Arastra, Inc.,

Applicant.

ANSWER TO NOTICE OF OPPOSITION.

Applicant Arastra, Inc. (“Applicant”), by its undersigned attorney, hereby submits its Answer to the Notice of Opposition as follows:

1. As to Paragraph 1, Applicant admits the allegations.
2. As to Paragraph 2, Applicant admits the allegations.
3. As to Paragraph 3, Applicant admits the allegations.
4. As to Paragraph 4, Applicant lacks sufficient information to form a belief as to the truth of the allegations and on this basis denies the allegations.
5. As to Paragraph 5, Applicant lacks sufficient information to form a belief as to the truth of the allegations and on this basis denies the allegations.
6. As to Paragraph 6, Applicant denies the allegations.
7. As to Paragraph 7, Applicant denies the allegations therein.

8. As to Paragraph 8, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

9. Opposer denies the allegations.

10. As to Paragraph 10, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

11. As to Paragraph 11, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

12. As to Paragraph 12, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

13. As to Paragraph 13, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

14. As to Paragraph 14, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

15. As to Paragraph 15, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

16. As to Paragraph 16, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

17. As to Paragraph 17, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

18. As to Paragraph 18, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

19. As to Paragraph 19, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

20. As to Paragraph 20, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

21. As to Paragraph 21, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

22. As to Paragraph 22, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

23. As to Paragraph 23, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

24. As to Paragraph 24, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

25. As to Paragraph 25, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and based thereon denies.

26. Applicant denies the allegations of Paragraph 26.

27. Applicant denies the allegations of Paragraph 27.

28. Applicant denies the allegations of Paragraph 28.

29. Applicant denies the allegations of Paragraph 29.

30. Applicant denies the allegations of Paragraph 30.

31. Applicant denies the allegations of Paragraph 31.

32. Applicant denies the allegations of Paragraph 32.

33. Applicant admits the allegations of Paragraph 33.

34. Applicant denies the allegations of Paragraph 34.

35. Applicant denies the allegations of Paragraph 35.

AFFIRMATIVE DEFENSES

36. There is no likelihood of confusion, mistake or deception because Applicant's mark ARASTRA mark is not confusingly similar to Opposer's mark Aastra and variants thereof alleged in the Notice of Opposition, as used on those goods and services alleged in the Notice of Opposition.

37. On information and belief, Opposer does not have a proper chain of title for its ownership of the marks and registrations on which it relies upon its Notice of Opposition.

38. On information and belief, Opposer has not continuously used its mark(s) since its alleged date(s) of first use on all of those products or services alleged in its Notice of Opposition, and has not used its mark(s) on all of those alleged products or services continuously since a date earlier than Applicant's date of filing of its application.

39. On information and belief, Opposer has not used its 'Aastra' mark and each variant thereof on each and every product or service stated in each of its registrations thereof either at the time of its initial filing or at the time it filed necessary Affidavits for maintaining the validity of the registrations. Accordingly, Opposer has committed a fraud on the Trademark Office and its registrations are therefore invalid.

40. Opposer's claims are barred by the equitable doctrine of unclean hands.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed in its entirety and that registration issue to Applicant for its mark.

Respectfully submitted,

Dated: June 23, 2008

By: _____/rsgordet/
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Attorney for Applicant
Aastra, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Applicant's Answer to Notice of Opposition was mailed first-class mail, postage prepaid, to Julie A. Hyland, Corporate Counsel, Aastra Technologies Limited, 2811 Internet Blvd., Frisco, TX 75034 on June 23, 2008.

Dated: June 23, 2008

By: _____/rsgordet/_____
Roy S. Gordet