

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

In the matter of Application  
Serial No. 77/284,706, published in the  
*Official Gazette* on  
June 10, 2008, page TM 498

SHAVLIK	)	
TECHNOLOGIES, INC.	)	
	)	
Opposer,	)	
	)	
v.	)	
	)	
CIPHEROPTICS, INC.	)	
	)	
Applicant.	)	

Opposition No. 91185774

**ANSWER TO OPPOSITION**

Applicant, cipherOptics, Inc., by and through its attorneys, hereby responds to the Notice of Opposition as follows:

1. Admitted that the referenced application was filed by Applicant, otherwise denies the allegations of paragraph 1 of the opposition.
2. Admitted that the reference application was published for opposition, otherwise denies the allegations of paragraph 2 of the opposition
3. Applicant is without information sufficient to admit, and therefore denies the allegations of paragraph 3 of the opposition.
4. Admitted that a copy of the Trademark Office computer records for an application for registration is attached as Exhibit A, otherwise denies the allegations of paragraph 1 of the opposition.



**10-24-2008**

5. Applicant is without information sufficient to admit, and therefore denies the allegations of paragraph 5 of the opposition.

6. Applicant is without information sufficient to admit, and therefore denies the allegations of paragraph 6 of the opposition including the dates of earliest use in United States' commerce or first use anywhere.

7. Admitted that Applicant's mark is identical to the phrase that Opposer asserts is its mark, otherwise denies the allegations of paragraph 7 of the opposition.

8. Applicant is without information sufficient to admit, and therefore denies the allegations of paragraph 8 of the opposition.

9. Applicant is without information sufficient to admit, and therefore denies the allegations of paragraph 9 of the opposition.

10. Admitted that Applicant's mark is identical to the phrase that Opposer asserts is its mark, otherwise denies the allegations of paragraph 1 of the opposition.

11. Applicant is without information sufficient to admit, and therefore denies the allegations of paragraph 11 of the opposition.

12. Applicant is without information sufficient to admit, and therefore denies the allegations of paragraph 12 of the opposition.

13. Applicant is without information sufficient to admit, and therefore denies the allegations of paragraph 13 of the opposition.

14. Applicant is without information sufficient to admit, and therefore denies the allegations of paragraph 14 of the opposition.

15. Applicant is without information sufficient to admit, and therefore denies the allegations of paragraph 15 of the opposition.

WHEREFORE, Applicant prays that the opposition be denied and registration on the application be granted.

Respectfully submitted this 22nd day of October 2008.



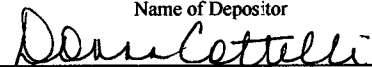
Edward W. Rilee, NCSB 15,661  
MACCORD MASON PLLC  
1600 Wachovia Tower  
Greensboro, NC 27401  
(336) 273-4422

CERTIFICATE OF MAILING

I HEREBY CERTIFY THAT THIS DOCUMENT IS  
BEING DEPOSITED WITH THE UNITED STATES  
POSTAL SERVICE AS FIRST-CLASS MAIL IN AN  
ENVELOPE ADDRESSED TO: ASSISTANT  
COMMISSIONER for TRADEMARKS, P.O. Box 1451,  
Alexandria, VA 22313-1451, on September 23, 2008

Donna Cottelli

Name of Depositor



Signature

October 22, 2008

Date of Signature

***CERTIFICATE OF SERVICE***

I hereby certify that a copy of the foregoing ANSWER TO OPPOSITION was mailed first-class mail, postage prepaid, to:

Heather Kliebenstein, Esq.  
Merchant & Gould P.C.  
P.O. Box 2910  
Minneapolis, MN 55402-0910

  
Edward W. Rilee

Date: October 22, 2008