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

Proceeding	91186984
Party	Defendant Athena ISG/GTXtreme, Inc.
Correspondence Address	M. REZA SAVARI 2262 CAMINITO CALA DEL MAR, CA 92014-3736 UNITED STATES rezalaw@gmail.com
Submission	Answer
Filer's Name	M. Reza Savari
Filer's e-mail	rezalaw@gmail.com
Signature	/M. Reza Savari/
Date	11/24/2008
Attachments	Answer to Amended Notice of Opposition.pdf (5 pages)(79822 bytes)

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

In the Matter of Application Serial No. 77/430,297
Mark: MINI-MEDIC
Filed: March 24, 2008
Published: September 16, 2008

Mectronic Minimed, Inc.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91186984
)	
Athena ISG/GTXtreme, Inc.)	
)	
Applicant.)	

APPLICANT’S ANSWER TO AMENDED NOTICE OF OPPOSITION

Applicant, Athena ISG/GTXtreme, Inc., hereby submits its answer to the Notice of Opposition filed by Opposer, Medtronic Minimed, Inc. as follows, with the following Paragraphs corresponding to the number of Paragraphs of the Amended Notice of Opposition filed October 20, 2008.

1. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 1 and therefore denies the same.
2. Applicant admits the allegations of Paragraph 2.
3. Applicant admits the allegations of Paragraph 3.
4. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 4 and therefore denies the same, except as provided below:
 - a. Applicant admits that Medtronic Minimed, Inc. is shown as the owner of Registration No. 1,340,467 for the mark MINIMED used in connection with programmable medication infusion pumps, issued on June 11, 1985,

based on an application filed on January 13, 1984, claiming the date of first use in commerce of October 12, 1983 in the records of the U.S. Patent and Trademark Office. Applicant is without knowledge or information to form a belief as to the remainder of Paragraph 4(a) and therefore denies the same.

- b. Applicant admits that Medtronic Minimed, Inc. is shown as the owner of Registration No. 2,434,737 for the mark MINIMED used in connection with mail order pharmacy services featuring medications, drugs and other prescriptions, issued on March 13, 2001, based on an application filed on July 19, 1999, claiming the date of first use in commerce of February 1, 1999 in the records of the U.S. Patent and Trademark Office. Applicant is without knowledge or information to form a belief as to the remainder of Paragraph 4(b) and therefore denies the same.
- c. Applicant admits that Medtronic Minimed, Inc. is shown as the owner of Registration No. 2,426,335 for the mark MINIMED used in connection with health insurance services, namely, administration of patient reimbursement programs for insureds in seeking reimbursement of health insurance claims, issued on February 6, 2001, based on an application filed on July 19, 1999, claiming the date of first use in commerce of May 1, 1998 in the records of the U.S. Patent and Trademark Office. Applicant is without knowledge or information to form a belief as to the remainder of Paragraph 4(c) and therefore denies the same.

5. Applicant is without knowledge or information sufficient to form a belief as to the allegations of Paragraph 5 and therefore denies the same.
6. Applicant denies the allegation of Paragraph 6.
7. Applicant denies the allegation of Paragraph 7.
8. Applicant admits the allegations of Paragraph 8.
9. Applicant denies the allegation of Paragraph 9.
10. Applicant denies the allegation of Paragraph 10.
11. Applicant denies the allegation of Paragraph 11.
12. Applicant denies the allegation of Paragraph 12.
13. Applicant denies the allegation of Paragraph 13.
14. Applicant denies the allegation of Paragraph 14.

FIRST AFFIRMATIVE DEFENSE

There is no likelihood of confusion, mistake, or deception between the respective marks at issue because, *inter alia*, Applicant's mark and the pleaded marks of Opposer are not confusingly similar. Any trademark or service mark rights that Opposer may have are narrowly circumscribed to the goods or services indicated and any other use would not lead to a likelihood of confusion.

SECOND AFFIRMATIVE DEFENSE

Opposer's pleaded marks are not famous.

WHEREFORE, Applicant requests that the Notice of Opposition be dismissed.

Respectfully submitted

Date: November 24, 2008

By: /M. Reza Savari/
M. Reza Savari
7668 Frederiksen Lane
Dublin, CA 94568
Tel: (619) 813-5592
Fax: (619) 331-9400
Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Applicant's Answer to Amended Notice of Opposition was served upon attorney of record for Opposer by depositing a copy of same in the United States mail, first class postage prepaid, on this 24th day of November 2008, addressed to:

Dean R. Karau, Esq.
Fredrikson & Byron, P.A.
200 South Sixth Street
Suite 4000
Minneapolis, MN 55402-1425

/M. Reza Savari/
M. Reza Savari