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

Proceeding	91192255
Party	Defendant RMI Corporation
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Submission	Answer
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Date	11/23/2009
Attachments	Answer to Notice of Opposition ORION.pdf (5 pages)(138134 bytes)

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

SOLARWINDS WORLDWIDE, LLC
Opposer,

v.

RMI CORPORATION
Applicant.

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Opposition No. 91192255

Serial No. 77/548,828

Mark: ORION

ANSWER TO NOTICE OF OPPOSITION

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

Dear Sir:

Applicant RMI CORPORATION (“Applicant”) hereby answers the Notice of Opposition, filed in the U.S. Patent and Trademark Office before the Trademark Trial and Appeal Board by SOLARWINDS WORLDWIDE, LLC (“Opposer”) on October 13, 2009, as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the information and/or allegations in Paragraph 1 of the Notice of Opposition.

2. Applicant denies that Opposer has basis to believe that it will be damaged by the registration of Applicant’s mark ORION in the application corresponding to Serial No. 77/548,828. Applicant is without knowledge or information sufficient to form a belief as to the truth of any other information and/or allegations in Paragraph 2 of the Notice of Opposition.

3. Applicant admits that Applicant is seeking to register the mark ORION with the application corresponding to Serial No. 77/548,828 identifying the goods

“semiconductor chips; semiconductor devices; semiconductors” in International Class 009. Applicant is without knowledge or information sufficient to form a belief as to the truth of any other information and/or allegations in Paragraph 3 of the Notice of Opposition.

4. Applicant admits that Applicant has been using the mark ORION that is the subject of the application corresponding to Serial No. 77/548,828 in commerce at least as early as October 1, 2005. Applicant is without knowledge or information sufficient to form a belief as to the truth of any other information and/or allegations in Paragraph 4 of the Notice of Opposition.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of any information and/or allegations in Paragraph 5 of the Notice of Opposition.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of any information and/or allegations in Paragraph 6 of the Notice of Opposition.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of any information and/or allegations in Paragraph 7 of the Notice of Opposition.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of any information and/or allegations in Paragraph 8 of the Notice of Opposition.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of any information and/or allegations in Paragraph 9 of the Notice of Opposition.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of any information and/or allegations in Paragraph 10 of the Notice of Opposition.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of any information and/or allegations in Paragraph 11 of the Notice of Opposition.

12. Denied.

Applicant notes that paragraphs 13 and 14 are not included in the present Opposition.

15. Denied.

WHEREFORE, Applicant requests that judgment be entered in favor of Applicant, that this Opposition be dismissed, and that registration be issued on the present application.

Applicant appoints as its attorneys in this proceeding Vista IP Law Group LLP, 2040 Main Street, 9th Floor, Irvine, California 92614, to whom all correspondence in this proceeding should be addressed.

Respectfully submitted,

RMI CORPORATION

Dated: November 23, 2009

_____/s/
Valerie L. Sarigumba
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Attorneys for
RMI CORPORATION

CERTIFICATE OF SERVICE

I hereby certify that on the date set forth below, I served the foregoing document described **ANSWER TO NOTICE OF OPPOSITION** to all parties to this action as set forth below, on the date set forth below, in the manner checked below.

By mail service to their attorney of record, at the following address:

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Executed Nov 23, 2009, Irvine, California.



Reyna L. Veselkov