

ESTTA Tracking number: **ESTTA351201**

Filing date: **06/04/2010**

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

Proceeding	91194685
Party	Defendant Safeguard Security and Communications, Inc.nc.
Correspondence Address	BRETT D. PAPENDICK SHUTTLEWORTH & INGERSOLL 115 3RD ST SE STE 500 CEDAR RAPIDS, IA 52401-1235 uspto@shuttleworthlaw.com
Submission	Answer
Filer's Name	Brett D. Papendick
Filer's e-mail	uspto@shuttleworthlaw.com, bdp@shuttleworthlaw.com
Signature	/brettdpapendick/
Date	06/04/2010
Attachments	ANSWER TO NOTICE OF OPPOSITION.pdf (4 pages)(131642 bytes)

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

MEDICALERT FOUNDATION)	
UNITED STATES, INC)	
)	
Opposer,)	
)	
v.)	Opposition No.: 91194685
)	Serial No. : 77/796576
SAFEGUARD SECURITY AND)	Mark: SAFEGUARD MEDALERT
COMMUNICATIONS, INC.)	
)	
Applicant.)	

ANSWER TO NOTICE OF OPPOSITION

Applicant, SAFEGUARD SECURITY AND COMMUNICATIONS, INC., believes MEDICALERT FOUNDATION UNITED STATES, INC. ("Opposer") will not be damaged by registration of the mark shown in Application Serial No. 77/796576 and avers as follows as its ANSWER TO NOTICE OF OPPOSITION, with respect to the corresponding paragraphs of the NOTICE OF OPPOSITION:

1. Applicant admits the allegations of paragraph 1.
2. Applicant denies the allegations of paragraph 2.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3 and therefore denies the allegations.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4 and therefore denies the allegations.
5. Applicant denies the allegations of paragraph 5.

6. Applicant admits the allegations of paragraph 6.

7. Applicant denies the allegations of paragraph 7.

8. Applicant denies the allegations of paragraph 8.

9. Applicant denies the allegations of paragraph 9.

10. Applicant denies the allegations of paragraph 10.

11. Applicant denies the allegations of paragraph 11.

12. Paragraph 12 does not contain any factual allegations and therefore Applicant cannot either admit or deny the content of said paragraph. If paragraph 12 contains any implied allegations, Applicant hereby denies those allegations.

WHEREFORE, Applicant prays the NOTICE OF OPPOSITION be dismissed in its entirety.

Please recognize James C. Nemmers, Jason R. Sytsma, Allan L. Harms, Brett D. Papendick, Timothy J. Klima, Mark L. Zaiger, and Samuel E. Jones, Shuttleworth & Ingersoll, P.L.C., 115 Third Street SE, Suite 500, P.O. Box 2107, Cedar Rapids, Iowa 52406-2107, all members of the Bar of the State of Iowa, as the attorneys for the Opposer in this proceeding. All communications are to be directed to Brett D. Papendick at the address identified above.

Dated: June 4, 2010

Respectfully submitted,

SHUTTLEWORTH & INGERSOLL, P.L.C.

By: /brettdpapendick/
Brett D. Papendick

115 Third Street SE, Suite 500
P.O. Box 2107
Cedar Rapids, Iowa 52406-2107
Phone Number: 319-365-9461
Fax Number 319-365-8443

Attorneys for Applicant

ELECTRONIC MAILING CERTIFICATE

I hereby certify that the ANSWER TO NOTICE OF OPPOSITION is being submitted electronically through the Electronic System for the Trademark Trial and Appeal Board (ESTTA) on this 4th day of June 2010.



CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION to be deposited with the United States Postal Service with sufficient postage as first-class mail this 4th day of June 2010, in an envelope addressed to the following attorney for the Applicant and caused a copy to be sent by electronic mail to the attorney of record at the below email address:

Lauren T. Estrin
Kilpatrick Stockton LLP
1100 Peachtree Street, NE
Atlanta, Georgia 30309-4530
e-mail: lestrin@kilpatrickstockton.com


