

ESTTA Tracking number: **ESTTA393111**

Filing date: **02/14/2011**

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

Proceeding	91198063
Party	Defendant EVERTEC INFORMATION TECHNOLOGY CO., LTD.
Correspondence Address	STEVEN M. RABIN RABIN & BERDO, P.C. 1101 14TH ST NW STE 500 WASHINGTON, DC 20005-5633 firm@rabinberdo.com
Submission	Answer
Filer's Name	Steven M. Rabin
Filer's e-mail	firm@rabinberdo.com
Signature	/Steven M. Rabin/
Date	02/14/2011
Attachments	Alprinbreeze v. Evertec - Answer - final-91198063.pdf (3 pages)(109319 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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)	
AlpinBreeze, LLC)	
)	
Opposer,)	
)	
v.)	Opposition No. 91198063
)	
EVERTEC INFORMATION TECHNOLOGY)	
CO., LTD.,)	
)	
Applicant.)	
)	
-----)	

ANSWER

COMES NOW the Applicant, EVERTEC INFORMATION TECHNOLOGY CO., LTD. (“Applicant”), by and through counsel, and responds to the Notice of Opposition filed by the Opposer, AlpinBreeze, LLC (“Opposer”), by responding to each enumerated paragraph of the said Opposition. Any allegation in the Opposition not specifically admitted herein is denied.

1. Applicant admits that Opposer is the owner of the referenced application, insofar as Applicant has relied on USPTO records, but denies that Opposer is the owner of the underlying Alpinbreeze and Design Mark (the “Alpinbreeze Mark”). Applicant’s president, Mr. You-Yi Lin, is the rightful owner of the Alpinbreeze Mark and owns the common law copyright rights thereto. Applicant’s president suggested the name “Alpinbreeze” to Opposer, commissioned the creation of the Mark from a design company, and paid the individual designer for the design work. Opposer has committed fraud upon the United States Patent and Trademark Office by claiming ownership of the Alpinbreeze Mark.
2. Applicant admits the allegations in Paragraph 2.
3. Applicant denies the allegations in Paragraph 3. Opposer has committed fraud upon the United States Patent and Trademark Office by alleging that Mr. You-Yi Lin was a “Sales Manager” of Opposer, a false and baseless representation.
4. Applicant denies the allegations in Paragraph 4.
5. Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegations contained in Paragraph 5, and therefore denies the same.

6. Applicant denies the allegations in Paragraph 6.
7. Applicant denies the allegations in Paragraph 7.
8. Applicant denies the allegations in Paragraph 8.
9. Applicant denies the allegations in Paragraph 9. Based on the representations and admissions of Opposer in the public records of the Trademark Office, on September 29, 2010, Opposer executed and filed a trademark application for the Alpinbreeze Mark in the USPTO (Ser. No. 85140585). In that application, Opposer committed fraud upon the USPTO and falsely represented under penalty of perjury, inter alia (1) that it owned the Alpinbreeze Mark, when in fact the Mark was owned by Opposer not Applicant and (2) that no entity other than Opposer had the right to use the Alpinbreeze Mark even though Opposer knew that the Alpinbreeze Mark was at the time of the application owned by Applicant, not Opposer.
10. Applicant denies the allegations in Paragraph 10.

DEFENSES

11. Opposer is not the rightful owner of the Alpinbreeze Mark, and Applicant is the rightful owner of the same, as noted above in Par. Nos. 1 and 9.
12. Opposer has committed fraud upon the USPTO in its application for registration of the Alpinbreeze Mark and its Notice of Opposition, as noted above in Par. Nos. 1, 3, and 9.

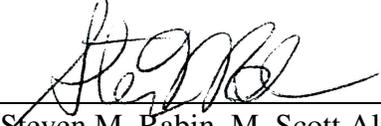
Registrant will assert any affirmative defense or compulsory or permissive counterclaim that may be developed throughout discovery and testimony periods in this proceeding.

WHEREFORE, Applicant denies the allegations in the final paragraph of the Notice of Opposition, and respectfully prays that Judgment be entered for Applicant and against Opposer in this proceeding, that the Opposition be dismissed, and that Applicant's mark be allowed to advance to registration on the Principal Register.

Respectfully submitted,

**EVERTEC INFORMATION
TECHNOLOGY CO., LTD.**

Date: February 14, 2011



Steven M. Rabin, M. Scott Alprin
Attorneys for Applicant
RABIN & BERDO, P.C.
Suite 500, 1101 14th Street, NW
Washington, D.C. 20005
Tel: (202) 371-8976; Fax: (202) 408-0924

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **Answer** has been served on Opposer by depositing said copy in the mail on February 14, 2011 via pre-paid First Class Mail, addressed to:

Matthew H. Swyers, Esq.
THE TRADEMARK COMPANY, PLLC
344 Maple Avenue West, Suite 151
Vienna, VA 22180
Tel. (800) 906-8626
Facsimile (270) 477-4574
mswyers@TheTrademarkCompany.com

/Kenny Lai Cheong/
Kenny Lai Cheong