

ESTTA Tracking number: **ESTTA424258**

Filing date: **08/10/2011**

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

Proceeding	91200476
Party	Defendant Ideal Fastener Corporation
Correspondence Address	NEAL WOLGIN TILLMAN WRIGHT PLLC PO BOX 49309 CHARLOTTE, NC 28277 uspto@ti-law.com
Submission	Answer
Filer's Name	Neal Wolgin
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Signature	/nw/
Date	08/10/2011
Attachments	17000.008 Answer to Notice of Opposition against IZIP.pdf (5 pages)(39588 bytes)

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

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: **YKK Corporation** :
: :
: **Opposer/Plaintiff** : **Cancellation No. 91200476** :
: :
: **v.** : :
: :
: **IDEAL Fastener Corporation** : **Ser. No. 85/180,885** :
: :
: **Applicant/Defendant** : :
: :
----- :

Commissioner for Trademarks
BOX TTAB / NO FEE
2900 Crystal Drive
Arlington, VA 22202-3514

ANSWER TO NOTICE OF OPPOSITION

Applicant/Defendant IDEAL Fastener Corporation (“**Defendant**”), by and through its attorneys, hereby answers the Notice of Opposition filed by YKK Corporation (“**Plaintiff**”) as follows:

a. Answering the first unnumbered paragraph of the Notice of Opposition, on page 1 of the Notice of Opposition, Defendant lacks sufficient information to enable it to form a belief as to the truth of the allegations, and therefore denies the same.

1. Answering Paragraph 1 of the Notice of Opposition, Defendant lacks sufficient information to enable it to form a belief as to the truth of the allegation, and therefore denies the same.

2. Answering Paragraph 2 of the Notice of Opposition, Defendant admits the allegation.
3. Answering Paragraph 3 of the Notice of Opposition, Defendant admits the allegation.
4. Answering Paragraph 4 of the Notice of Opposition, Defendant admits the allegation.
5. Answering Paragraph 5 of the Notice of Opposition, Defendant lacks sufficient information to enable it to form a belief as to the truth of the allegation, and therefore denies the same.
6. Answering Paragraph 6 of the Notice of Opposition, Defendant admits that Plaintiff has filed a Section 15 Affidavit of Incontestability for its US Reg. No. 2,658,052, and that the same has been acknowledged by the US Patent and Trademark Office.
7. Answering Paragraph 7 of the Notice of Opposition, Defendant lacks sufficient information to enable it to form a belief as to the truth of the allegation, and therefore denies the same.
8. Answering Paragraph 8 of the Notice of Opposition, Defendant admits the allegation.
9. Answering Paragraph 9 of the Notice of Opposition, Defendant admits that it filed an application to register the mark IZIP on an intent-to-use basis pursuant to Section 1(b) of the Lanham Act.
10. Answering Paragraph 10 of the Notice of Opposition, Defendant lacks sufficient information to enable it to form a belief as to the truth of the allegation, and therefore denies the same.

11. Answering Paragraph 11 of the Notice of Opposition, Defendant denies the allegation.

12. Answering Paragraph 12 of the Notice of Opposition, Defendant notes that examining attorney Michelle E. Dubois of the US Patent and Trademark Office has made no determination that the IZIP mark is virtually the same in sight, sound, or meaning as the YZIP mark, and Defendant accordingly denies the allegation.

13. Answering Paragraph 13 of the Notice of Opposition, Defendant admits the allegation.

14. Answering Paragraph 14 of the Notice of Opposition, Defendant denies the allegations.

15. Answering Paragraph 15 of the Notice of Opposition, Defendant does not speculate as to the assertion of the allegations and therefore denies the same.

16. Answering Paragraph 16 of the Notice of Opposition, Defendant lacks sufficient information to enable it to form a belief as to the truth of the allegation, and therefore denies the same.

AFFIRMATIVE DEFENSES

1. Defendant is unaware of any actual confusion, mistake, or deception between the Defendant's "IZIP" mark and the Plaintiff's "YZIP" mark.

PRAYER FOR RELIEF

WHEREFORE, Defendant requests judgment dismissing Plaintiff's Notice of Opposition and this proceeding in its entirety.

Respectfully submitted,



Neal B. Wolgin

DATED: August 10, 2011

Tillman Wright PLLC
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Charlotte, NC 28277

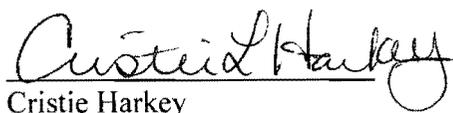
(919) 321.6245
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ATTORNEYS FOR APPLICANT

Our Ref.: 17000.008

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer to Notice of Opposition has been served on the attorneys for YKK Corporation (Plaintiff) by mailing said copy on August 10, 2011, via First Class Mail with the United States Postal Service, with sufficient postage prepaid, in an envelope addressed to:

Michael Hobbs
Troutman Sanders LLP
600 Peachtree Street NE, Suite 5200
Atlanta, GA 30308-2216


Cristie Harkey