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

Proceeding	91200480
Party	Plaintiff Itera International Energy Corporation
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Date	09/19/2011
Attachments	Answer to Counterclaim.pdf (5 pages)(17797 bytes)

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

In re Application of: Interra Energy, LLC

Serial No.: 85036807

Filed: May 12, 2010

Mark: INTERRA ENERGY

Published: March 15, 2011

Itera International Energy Corporation,)	
)	
Opposer,)	
)	
v.)	Opposition No.: 91200480
)	
Interra Energy, LLC,)	
)	
Applicant.)	

ANSWER

Opposer, Itera International Energy Corporation (“Opposer”), by counsel, states the following as its Answer to the Counterclaim filed by Applicant Interra Energy, LLC. All allegations in the Counterclaim not specifically admitted are denied.

1. Applicant alleged no facts in Paragraph 1, therefore no response is required.
2. Applicant alleged no facts in Paragraph 2, therefore no response is required.
3. Applicant alleged no facts in Paragraph 3, therefore no response is required.
4. Opposer realleges the facts contained in Paragraph 4 of the Notice of Opposition.

Opposer denies that it has abandoned its mark. Opposer denies that there is nonuse in commerce of its ITERA mark. Opposer denies that it has not updated its website for over three years.

Opposer denies Applicant’s characterization of the content of Opposer’s website and states that Opposer’s website speaks for itself. Opposer admits that The Archer Group, BioEnergy

International, Grayson Hill Energy, Quail Energy, and Itera Rig, LLC are all part of Itera's Energy Resources business but denies that Itera's name is not used in connection with the businesses. Admitted that BioEnergy International changed its name to Myriant Technologies but denied that the change constitutes abandonment. All other commentary, statements, and allegations included in Paragraph 4 of the purported counterclaim, unless specifically admitted, are denied.

5. Opposer realleges the facts contained in Paragraph 5 of the Notice of Opposition. Opposer denies that it has abandoned its mark. Opposer denies that there is nonuse in commerce. All other commentary, statements, and allegations included in Paragraph 5 of the purported counterclaim, unless specifically admitted, are denied.

6. Opposer realleges the facts contained in Paragraph 6 of the Notice of Opposition. Opposer denies the allegation that it has not made a substantial investment in advertising and promoting its services. Opposer denies the allegation that it has not developed goodwill in its mark. Opposer lacks knowledge or information sufficient to form a belief as to business activities of Congressman Weldon or his daughter. Opposer admits that it hired a lobbying firm. Opposer denies that it has not issued a press release for over three years. Opposer denies that it has not updated its website for over three years. All other commentary, statements, and allegations included in Paragraph 6 of the purported counterclaim, unless specifically admitted, are denied.

7. Opposer realleges the facts contained in Paragraph 7 of the Notice of Opposition. Opposer denies the allegation that its mark is not valuable. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7 regarding what types of information may be contained on Wikipedia which is not controlled or operated by

Opposer. All other commentary, statements, and allegations included in Paragraph 7 of the purported counterclaim, unless specifically admitted, are denied.

8. Opposer realleges the facts contained in Paragraph 8 of the Notice of Opposition. Opposer admits that its mark is used in commerce as ITERA USA or ITERA. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding how Interra Energy is used in commerce. Opposer denies that the phonetic pronunciation of its mark is “EE-tier-a.” Opposer lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding the pronunciation of Interra. Opposer admits that there is 1 word in its mark and it has either 5 or 8 letters in its mark. Opposer denies that there are visual differences between Itera and Interra Energy and asserts that the marks are virtually phonetically and visually identical. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding the number of words and letters in Interra Energy. All other commentary, statements, and allegations included in Paragraph 8 of the purported counterclaim, unless specifically admitted, are denied.

9. Opposer admits that there is a competitive overlap between Opposer’s mark and Interra Energy in the energy market. Opposer denies that Applicant and Opposer have noncompeting services. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding Interra Energy’s goods, services, and customers. Opposer admits that its mark is strong. Opposer admits that it uses marketing channels to promote the ITERA mark. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding the number of years that Applicant has used Interra Energy. Opposer admits that its ITERA mark is similar to Applicant’s mark. Opposer admits that it uses its ITERA mark in commerce. Opposer admits that there is a close proximity of the markets

between Opposer's mark and Interra Energy. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding consumer care in making a purchase decision of Applicant's customers. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the allegation regarding Applicant's intent. All other commentary, statements, and allegations included in Paragraph 9 of the purported counterclaim, unless specifically admitted, are denied.

10. Applicant alleges no facts in Paragraph 10, therefore no response is required. All other commentary, statements, and allegations included in Paragraph 10 of the purported counterclaim, unless specifically admitted, are denied.

11. Applicant alleges no facts in Paragraph 11, therefore no response is required. All other commentary, statements, and allegations included in Paragraph 11 of the purported counterclaim, unless specifically admitted, are denied.

12. Opposer denies the allegation that false association cannot reasonably occur. All other commentary, statements, and allegations included in Paragraph 12 of the purported counterclaim, unless specifically admitted, are denied.

13. Opposer admits the allegation contained in Paragraph 13 that Applicant's mark is substantially similar to and is a colorable imitation of Opposer's ITERA mark.

Having fully answered the Counterclaim, Opposer respectfully requests that the Notice of Opposition be adopted, Applicant's Registration be denied, and the Counterclaim be dismissed with prejudice.

**ITERA INTERNATIONAL ENERGY
CORPORATION**

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Electronically Filed via ESTTA: September 19, 2011

CERTIFICATE OF SERVICE

On September 19, 2011, a copy of this pleading was sent by email to counsel for Applicant:

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