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

Proceeding	91203994
Party	Defendant Hapa AG
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Date	03/21/2012
Attachments	REDBOX AUTOMATED V HAPA AG - ANSWER TO OPPOSITION - 3-21-12.pdf (2 pages)(78986 bytes)

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

Redbox Automated Retail, LLC
<i>Opposer</i>
v.
Hapa AG
<i>Applicant</i>

Opposition No. 91203994

APPLICANT'S ANSWER TO THE OPPOSITION

1. Applicant has insufficient information as to the facts set forth in Paragraph 1 and therefore denies same.

2. Applicant denies Paragraph 2.

3. Applicant admits that copies of the identified registrations were attached to the Notice of Opposition, but otherwise denies the allegations related thereto.

5. (*sic*) Applicant has insufficient information as to Opposer's use of its trademarks and therefore denies all allegations related thereto. Applicant admits it filed an application to register REDCUBE (& Design) on January 7, 2011 for goods in Classes 2, 7, and 9.

6. Applicant denies Paragraph 6.

By way of further Answer, Applicant alleges the following affirmative defenses:

7. The Notice of Opposition fails to state a claim upon which relief may be granted.

8. Unrelated third parties are using and have registered the word RED; the color red, as well as the word CUBE in connection with related goods and services and therefore the pleaded marks are entitled to only a narrow scope of protection.

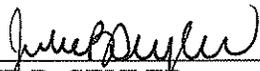
9. Applicant's goods are commercially unrelated to Opposer's services.

10. Applicant's mark REDCUBE in its entirety evokes a commercial impression substantively different from Opposer's pleaded mark REDBOX.

11. Applicant mark REDCUBE in its entirety evokes a commercial impression substantively different than Opposer's pleaded mark REDBOX .

WHEREFORE, it is respectfully requested this Opposition be dismissed with prejudice.

Respectfully submitted,



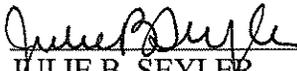
JULIE B. SEYLER

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **ANSWER TO THE OPPOSITION** was filed by first class mail, postage prepaid this 21st day of March, 2012 upon the following:

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