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

Proceeding	91208982
Party	Defendant Quantum Innovations, Inc.
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Attachments	Answer to Notice of Opposition (Opp. No. 91208982).pdf ( 5 pages )(18121 bytes )

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

In the Matter of Trademark Application Serial No. 85/601,096  
For the mark: RB TECH  
Published in the Official Gazette on September 25, 2012

LUXOTTICA GROUP S.p.A.,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91208982
	)	
QUANTUM INNOVATIONS, INC.,	)	<b>ANSWER TO NOTICE OF</b>
	)	<b>OPPOSITION</b>
Applicant.	)	
	)	

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**ANSWER**

Quantum Innovations, Inc. (“Applicant”) submits this Answer to Luxottica Group S.p.A.’s (“Opposer”) Notice of Opposition (“Notice”):

1. Answering Paragraph 1 of the Notice, inasmuch as the allegations contained therein constitute legal conclusions, Applicant is not required to respond thereto. Nevertheless, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 1, and, on that basis, Applicant denies each and every allegation contained therein.

2. Answering Paragraph 2 of the Notice, with respect to the allegation that Registration Nos. 3,458,243; 3,522,603; and 4,088,221 have been registered for at least five years, Applicant denies this allegation. Opposer’s Notice indicates that Registration No. 3,458,243 was registered on July 1, 2008; that Registration No. 3,522,603 was registered on October 21, 2008; and that Registration No. 4,088,221 was registered on January 17, 2012. With respect to the remainder of the allegations in Paragraph 2 of the Notice, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations

ANSWER TO NOTICE OF OPPOSITION  PAGE 1	SCHWABE, WILLIAMSON & WYATT, P.C. ATTORNEYS AT LAW PACWEST CENTER, SUITES 1500-1900 1211 S.W. FIFTH AVENUE PORTLAND, OR 97204-3795 TELEPHONE (503) 222-9981
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contained in said paragraph, and, on that basis, Applicant denies each and every allegation contained therein.

3. Answering Paragraph 3 of the Notice, inasmuch as the allegations contained therein constitute legal conclusions, Applicant is not required to respond thereto. Nevertheless, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 3, and, on that basis, Applicant denies each and every allegation contained therein.

4. Answering Paragraph 4 of the Notice, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in said paragraph, and, on that basis, Applicant denies each and every allegation contained therein.

5. Answering Paragraph 5 of the Notice, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in said paragraph, and, on that basis, Applicant denies each and every allegation contained therein.

6. Answering Paragraph 6 of the Notice, inasmuch as the allegations contained therein constitute legal conclusions, Applicant is not required to respond thereto. To the extent alleged by Opposer, Applicant denies that Opposer exclusively uses the word mark RB in connection with ophthalmic goods, sunglass goods, and related eyeglass goods. For the remainder of the allegations in Paragraph 6, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of such allegations contained in said paragraph, and, on that basis, Applicant denies each and every such allegation.

7. Answering Paragraph 7 of the Notice, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in said paragraph, and, on that basis, Applicant denies each and every allegation contained therein.

8. Answering Paragraph 8 of the Notice, inasmuch as the allegations contained therein constitute legal conclusions, Applicant is not required to respond thereto. Nevertheless, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of

the allegations contained in Paragraph 8, and, on that basis, Applicant denies each and every allegation contained therein.

9. Answering Paragraph 9 of the Notice, with respect to Registration Nos. 3,458,243; 3,522,603; and 4,088,221, the U.S. Patent and Trademark Office (“USPTO”) records do not indicate that declarations under Sections 8 and 15 of the Lanham Act have been filed. Therefore, Applicant denies the allegations in Paragraph 9 with respect to Registration Nos. 3,458,243; 3,522,603; and 4,088,221. For the remaining registrations, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 9, and, on that basis, Applicant denies each and every allegation contained therein.

10. Applicant admits the allegations in Paragraph 10.

11. Applicant admits the allegations in Paragraph 11.

12. Applicant admits the allegations in Paragraph 12.

13. Answering Paragraph 13 of the Notice, Applicant admits that according to the Notice, Opposer’s registrations specifically recited in the Notice were registered prior to Applicant’s pending Application Serial No. 85/601,096. Except as expressly admitted, Applicant denies the allegations in Paragraph 13.

14. Applicant denies the allegations in Paragraph 14.

15. Applicant denies the allegations in Paragraph 15.

16. Answering Paragraph 13 of the Notice, Applicant admits that its applied-for mark is RB TECH and that the “TECH” portion of the mark is disclaimed in Applicant’s pending Application Serial No. 85/601,096. Except as expressly admitted, Applicant denies the allegations in Paragraph 16.

17. Applicant denies the allegations in Paragraph 17.

18. Applicant denies the allegations in Paragraph 18.

19. Answering Paragraph 19, Applicant admits that it does not have a written agreement with Opposer. Except as expressly admitted, Applicant denies the allegations in Paragraph 19.

20. Applicant denies the allegations in Paragraph 20.

21. Applicant denies the allegations in Paragraph 21.

22. Answering Paragraph 22 of the Notice, inasmuch as the allegations contained therein constitute legal conclusions, Applicant is not required to respond thereto. Nevertheless, Applicant denies each and every allegation in Paragraph 22.

23. Answering Paragraph 23 of the Notice, Applicant admits that registration of Applicant's Application Serial No. 85/601,096 will create statutory rights in favor of Applicant. Except as expressly admitted, Applicant denies the allegations in Paragraph 23.

24. Applicant denies the allegations in Paragraph 24.

25. Answering Paragraph 25 of the Notice, Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in said paragraph, and, on that basis, Applicant denies each and every allegation contained therein.

WHEREFORE, Applicant requests:

1. That the Notice of Opposition be in all respects dismissed with prejudice; and
2. That Applicant's Application Serial No. 85/601,096 be permitted to proceed to registration.

DATED: March 1, 2013

Respectfully submitted,

/Peter E. Heuser/  
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**CERTIFICATE OF SERVICE**

I hereby certify that on March 1, 2013, I served a true and correct copy of the foregoing ANSWER OF APPLICANT QUANTUM INNOVATIONS, INC., on the following party via First Class Mail, postage prepaid, to the following counsel of record for Opposer, Luxottica Group S.p.A:

Karen Kreider Gaunt  
Dinsmore & Shohl LLP  
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Cincinnati, OH 45202

/Peter E. Heuser/  
Peter E. Heuser