

ESTTA Tracking number: **ESTTA537332**

Filing date: **05/13/2013**

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

Proceeding	91210075
Party	Defendant Intercom App, Inc.
Correspondence Address	JULIA SPOOR GARD BARNES & THORNBURG LLP 11 S MERIDIAN ST INDIANAPOLIS, IN 46204-3535 jgard@btlaw.com
Submission	Answer
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Date	05/13/2013
Attachments	91210075.pdf (1 page)(97243 bytes)

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

InterCommunications, Inc.)	
)	
Opposer)	
)	
vs.)	Opposition No. 91210075
)	Serial No. 85580111
Intercom App, Inc.)	
)	
Applicant)	

APPLICANT’S ANSWER AND AFFIRMATIVE DEFENSES

Intercom App, Inc. (“Applicant”) hereby answers and otherwise pleads to the Notice of Opposition filed by InterCommunications, Inc. (“Opposer”) against Applicant’s U.S. Application Serial No. 85580111 for the mark INTERCOM.

1. Applicant lacks information sufficient to form a belief as to the truth or falsity of the averments of paragraph 1, and therefore denies them.
2. Applicant lacks information sufficient to form a belief as to the truth or falsity of the averments of paragraph 2, and therefore denies them.
3. Applicant lacks information sufficient to form a belief as to the truth or falsity of the averments of paragraph 3, and therefore denies them.
4. Applicant lacks information sufficient to form a belief as to the truth or falsity of the averments of paragraph 4, and therefore denies them.
5. Applicant lacks information sufficient to form a belief as to the truth or falsity of the averments of paragraph 5, and therefore denies them.

6. Applicant lacks information sufficient to form a belief as to the truth or falsity of the averments of paragraph 6, and therefore denies them.

7. Applicant lacks information sufficient to form a belief as to the truth or falsity of the averments of paragraph 7, and therefore denies them.

8. Applicant lacks information sufficient to form a belief as to the truth or falsity of the averments of paragraph 8, and therefore denies them.

9. Applicant lacks information sufficient to form a belief as to the truth or falsity of the averments of paragraph 9, and therefore denies them.

10. Applicant lacks information sufficient to form a belief as to the truth or falsity of the averments of paragraph 10, and therefore denies them.

11. Applicant lacks information sufficient to form a belief as to the truth or falsity of the averments of paragraph 11, and therefore denies them.

12. Denied.

13. To the extent that paragraph 8 alleges that one of Opposer's registered trademarks is similar in sound and appearance to Applicant's mark, admitted. However, because of the clear difference in the respective goods and services, as well as purchasers and channels of trade, Applicant denies that the marks are similar in commercial impression or that Applicant's mark is likely to cause confusion, mistake, or deception. Applicant lacks information sufficient to form a belief as to the truth or falsity of the remainder of averments of paragraph 13, and therefore denies them.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Admitted. Because of the clear difference in the respective goods and services, as well as purchasers and channels of trade, Opposer's license, consent, or permission to use the mark is not necessary.

20. Denied.

AFFIRMATIVE DEFENSES

21. Opposer's action is barred by the doctrines of unclean hands, laches, and acquiescence.

WHEREFORE, Applicant prays that Opposer's Notice of Opposition against Applicant's Application Serial No. 85580111 be dismissed with prejudice.

Respectfully submitted,

Date:

5/13/13



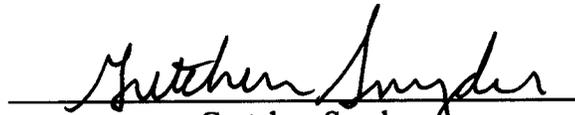
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Attorney for Applicant,
Intercom App, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of this Answer to Notice of Opposition has been served this 13th day of May, 2013 by depositing a copy of the same in the United States mail, first class postage prepaid and properly addressed to the Applicant's Attorney of Record:

Steven J. Nataupsky
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Gretchen Snyder