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

Proceeding	91220042
Party	Defendant NVIGEN, Inc.
Correspondence Address	NVIGEN, INC. NVIGEN, INC. 3350 SCOTT BLVD BLDG 36A SANTA CLARA, CA 95054-3100 aihuafu@nvigen.com
Submission	Answer
Filer's Name	Aihua Fu
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Signature	/AihuaFu/
Date	02/09/2015
Attachments	NVIGEN Answer of Opposition letter_02092015_signature date- signed.pdf(49687 bytes)

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

In the Matter of:)
Application Serial Number: 86,332,995)
Published in the Official Gazette:)
December 16, 2014)
Goods: Biotech Service, Product)
)
NuGEN Technologies, Inc.)
)
Opposer,) Opposition No. 91,220,042
)
v.)
)
Aihua Fu)
NVIGEN, Inc.,)
)
Applicant)

APPLICANT'S ANSWER TO OPPOSITION

Applicant, Aihua Fu, acting on behalf of NVIGEN, Inc., a California corporation with its principal place of business at 3350 Scott Blvd., Building 36A, Santa Clara, CA 95054 is a nanotechnology company.

The applicant for its/her answers to the Notice of Oppositions filed by Opposer NuGEN Technologies with mark "NUGEN" against application for registration of trademark "NVIGEN" avers and pleads as follows:

The applicant answers each of the allegations of the opposition as following:

1. Answering paragraph 1 of Notice of Opposition, Applicant admits the allegations thereof.
2. Answering paragraph 2 of Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
3. Answering paragraph 3 of Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
4. Answering paragraph 4 of Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
5. Answering paragraph 5 of Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
6. Answering paragraph 6 of Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
7. Answering paragraph 7 of Notice of Opposition, Applicant Aihua Fu on behalf of NVIGEN, Inc. admits the allegations thereof.
8. Answering paragraph 8 of Notice of Opposition, Applicant admits the allegations thereof.
9. Answering paragraph 9 of Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations. Applicant's trademark is different from Opposer's, because all goods and services sold by NVIGEN are nanoparticle associated and the trademark's design and style are different from NUGEN.
10. Answering paragraph 10 of Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
11. Answering paragraph 11 of Notice of Opposition, Applicant denies the allegations thereof.
12. Answering paragraph 12 of Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
13. Answering paragraph 13 of Notice of Opposition, Applicant denies the allegations thereof. The mark NVIGEN is different from the Opposer's mark in its spelling and its pronunciation. The trademark's design and style are different from NUGEN.
14. Answering to the paragraph 14 of Notice of Opposition, Applicant affirmatively denies each and every allegation contained therein. There is no connection or relation of the products provided by the Applicant and the Opposer. Applicant's product's core technology is nanoparticles based.
15. Answering paragraph 15 of Notice of Opposition, Applicant denies each and every allegation contained therein. The Applicant does not market any product or services with name NUGEN. Applicant's product is nanoparticles based and marked NVIGEN and is styled with design. The colors red, orange, yellow, green, light blue, blue, purple, black are claimed as a feature of the mark. The mark consists of an image of the colorful logo in a shell shape with red, orange, yellow, green light blue, blue,

purple, black. Therefore, Applicant affirmatively alleges that there is no likelihood of confusion, mistake or deception because Applicant's mark (NVIGEN) and Opposer's mark are not confusingly similar.

16. Answering paragraph 16 of Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

17. Applicant further affirmatively alleges that there is no confusion in public because of following clear distinctions: a) NVIGEN spells differently from NUGEN; b) NVIGEN's mark is shorten form of "Nano Vision" and pronounced as "N-Vision"; c) Nanoparticles are the core for all goods/products and service sold by NVIGEN; d) NVIGEN mark is styled with design. The colors red, orange, yellow, green, light blue, blue, purple, black are claimed as a feature of the mark. The mark consists of an image of the colorful logo in a shell shape with red, orange, yellow, green light blue, blue, purple, black. There are many businesses in the US who manufacture and market their products with NUGEN name that may be greater threat to the Opposer. Applicant's mark NVIGEN poses no confusion or threat to the Opposer.

WHEREFORE, Applicant requests that Notice of Opposition be dismissed.

Respectfully submitted
Aihua Fu, PhD
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408-505-9232 (Cell)

Dated Feb. 9, 2015

CERTIFICATE OF SERVICE BY MAIL

I hereby certify that a true and complete copy of the foregoing Applicant's Answer to the Notice of Opposition has been served on the person(s) listed below by mailing said copy on Feb 09, 2015, via First Class Mail, postage prepaid to:

John L. Slafsky
Nathan E. Ferguson
Wilson Sonsini Goodrich & Rosati
650 Page Mill Road
Palo Alto, California 94304-1050
650-493-9300

Signature: _____



Date: _____

02/09/2015

Aihua Fu, Ph.D.
CEO
NVIGEN, Inc.