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

Proceeding	91220180
Party	Defendant Somfy SAS
Correspondence Address	BETH E COOPERSTEIN HOLLAND & HART LLP ONE BOULDER PLAZA, 1800 BROADWAY, SUITE 300 BOULDER, CO 80302 UNITED STATES docket@hollandhart.com, aanderson@hollandhart.com, becooperstein@hollandhart.com, mamooore@hollandhart.com
Submission	Answer
Filer's Name	Beth E. Cooperstein
Filer's e-mail	becooperstein@hollandhart.com, docket@hollandhart.com, aanderson@hollandhart.com
Signature	/Beth E. Cooperstein/
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

The Chamberlin Group, Inc., Opposer, v. Somfy SAS, Applicant.	Opposition No.: 91220180 Mark: SOMFY MYLINK Serial No.: 86/266,034
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ANSWER TO NOTICE OF OPPOSITION

Applicant Somfy SAS (“Applicant”), by and through its counsel, responds as follows to the Notice of Opposition:

[Unnumbered Paragraphs]. Applicant denies that Opposer will be damaged by registration of Applicant’s SOMFY MYLINK mark (Ser. No. 86/266,056). Applicant is without information or knowledge sufficient to form a belief as to the truth of the remaining allegations of the unnumbered paragraphs and therefore denies them.

1. Applicant admits that it filed Application Serial No. 86/266,056 (the “Application”), and states that the Application speaks for itself. To the extent Paragraph 1 contains allegations inconsistent with the Application, Applicant denies them.

2. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraph 2 and therefore denies them.

3. Applicant states that the USPTO records for Registration No. 4165481 speak for themselves. Applicant denies the allegations of Paragraph 3 to the extent they are different from or claim more than what is set forth in the USPTO records. Applicant is without information or

knowledge sufficient to form a belief as to the truth of the contents of the USPTO records or the remaining allegations of Paragraph 3 and therefore denies them.

4. Applicant states that the USPTO records for Registration No. 4638156 speak for themselves. Applicant denies the allegations of Paragraph 4 to the extent they are different from or claim more than what is set forth in the USPTO records. Applicant is without information or knowledge sufficient to form a belief as to the truth of the contents of the USPTO records or the remaining allegations of Paragraph 4 and therefore denies them.

5. Applicant states that the USPTO records for Registration No. 4666227 speak for themselves. Applicant denies the allegations of Paragraph 5 to the extent they are different from or claim more than what is set forth in the USPTO records. Applicant is without information or knowledge sufficient to form a belief as to the truth of the contents of the USPTO records or the remaining allegations of Paragraph 5 and therefore denies them.

6. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraph 6 and therefore denies them.

7. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraph 7 and therefore denies them.

8. Applicant admits that it intends to use the SOMFY MYLINK mark without the consent of Opposer, because such consent is not required. Applicant denies the remaining allegations in Paragraph 8.

9. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraph 9 and therefore denies them.

10. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraph 10 and therefore denies them.

11. Applicant states that the allegations in Paragraph 11 are too ambiguous to elicit a response and therefore Applicant denies them.

12. Applicant denies the allegations in Paragraph 12.

13. Applicant denies the allegations in Paragraph 13. Applicant further states that its rights in MY-formative marks for goods that closely relate to those covered by the Application predate Opposer's rights in its alleged MYQ family of marks by over five years. Specifically, Applicant is the owner of U.S. Trademark Registration No. 3211560 for MY covering "Electrical and electronic apparatus and instruments, namely, remote controls to operate and control the operating motors for blinds, screens, curtains, shutters" in Class 9, with a filing date of September 3, 2005 and registration date of February 20, 2007.

14. Applicant denies the allegations in Paragraph 14. Applicant further states that to the extent there is any likelihood of confusion between the parties' marks as alleged by Opposer, because Applicant enjoys priority over Opposer with respect to MY-formative marks, as alleged in Paragraph 13 of this Answer, any finding of likelihood of confusion should result in cancellation of Opposer's MYQ registrations.

15. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraph 15 and therefore denies them.

16. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraph 16 and therefore denies them.

17. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraph 17 and therefore denies them.

18. Applicant admits that if its SOMFY MYLINK mark as shown in the Application is granted registration, Applicant will obtain the prima facie exclusive right to use the SOMFY MYLINK mark for the goods covered by the Application. Applicant denies the remaining allegations in Paragraph 18.

19. In response to Paragraph 19, Applicant repeats each admission, denial and denial of sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraphs 1 through 18 of this Answer, as if fully set forth herein.

20. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraph 20 and therefore denies them.

21. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraph 21 and therefore denies them.

22. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations contained in Paragraph 22 and therefore denies them.

23. Applicant denies the allegations in Paragraph 23.

24. Applicant denies the allegations in Paragraph 24.

AFFIRMATIVE DEFENSES

FIRST DEFENSE (Failure to State a Claim)

The Notice of Opposition fails to state claims upon which relief can be granted.

WHEREFORE, Applicant respectfully requests that the Board dismiss this opposition and permit Applicant's SOMFY MYLINK mark to mature to registration on the Principal Register of the United States Patent and Trademark Office.

Dated: June 10, 2016

Respectfully submitted,

/Beth E. Cooperstein/
Andrea Anderson
Beth E. Cooperstein
HOLLAND & HART LLP
P.O. Box 8749
Denver, Colorado 80201
Phone: (303) 295-8018
Facsimile: (303) 975-5379
aanderson@hollandhart.com
becooperstein@hollandhart.com
docket@hollandhart.com
ATTORNEYS FOR APPLICANT
SOMFY SAS

CERTIFICATE OF SERVICE

The undersigned certifies that the attached **ANSWER TO NOTICE OF OPPOSITION** was served on the below-identified counsel for Opposer on June 10, 2016 by the means indicated below:

- U.S. Certified Mail, postage prepaid
- Hand Delivery

Joseph T. Nabor
Fitch Even Tabin & Flannery LLP
120 S. LaSalle Street, Suite 1600
Chicago, IL 60603-3406

/Debbie Cochran/
