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

Proceeding	91222680
Party	Defendant entegra technologies, inc.
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of U.S. Trademark Application Serial No. 86/167,885 for the mark ENTEGRA CROSSFIRE (stylized) owned by Entegra Technologies, Inc.

ATI Technologies ULC	§	
	§	Opposition No. 91222680
Opposer,	§	
	§	
v.	§	Serial No. 86/167,885
	§	Mark: ENTEGRA CROSSFIRE (stylized)
Entegra Technologies, Inc.	§	
	§	
Applicant.	§	

**APPLICANT’S ANSWER
TO NOTICE OF OPPOSITION**

Applicant, Entegra Technologies, Inc., hereby files its Answer to the Notice of Opposition No. 91222680 filed by Opposer, ATI Technologies ULC, against U.S. Trademark Application Serial No. 86/167,885 for the mark ENTEGRA CROSSFIRE (stylized).

Answer

Each paragraph of Applicant's Answer corresponds to and is in answer to the same numbered paragraph of Opposer's Notice of Opposition.

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1, and therefore denies the allegations.

2. Applicant admits Opposer has registered the mark CROSSFIRE in the United States Patent and Trademark Office, Reg. No. 3,319,980, issued on October 23, 2007, for “semiconductors, circuit boards, peripheral graphics boards, and drive software for operating the foregoing, all for enhancing the visual experience of those using applications with high-end visual graphics and video such as gaming, animation, or playback.” Applicant further admits that on

September 26, 2013, the USPTO accepted Opposer's Section 8 and 15 Declaration, but Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 2, and therefore denies the allegations.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3, and therefore denies the allegations

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4, and therefore denies the allegations.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 5, and therefore denies the allegations.

6. Applicant admits the allegations of paragraph 6.

7. Applicant denies the allegations of paragraph 7.

8. Applicant admits the allegations of paragraph 8, but submits Opposer's consent is not necessary for Applicant's use of and application to register the mark ENTEGRA CROSSFIRE.

9. Applicant denies the allegations of paragraph 9.

AFFIRMATIVE DEFENSES

10. Applicant's Mark in U.S. Trademark Application Serial No. 86/167,885 does not resemble Opposer's Mark of U.S. Trademark Registration No. 3,319,980 so as to be likely to cause confusion, to cause mistake or to deceive. The respective marks are not physically identical, but merely share a common term, "CROSSFIRE." Moreover, the use of the term "ENTEGRA" in conjunction with the term "crossfire" in Applicant's Mark is particularly distinguishing, given consumers are generally more inclined to focus on the first word, prefix or syllable in any trademark or service mark. If more weight should be given to a term in Applicant's mark as part of the likelihood of confusion analysis, that term should be

“ENTEGRA,” which is entirely distinct, and not confusingly similar to the Opposer’s CROSSFIRE mark. Notwithstanding this, the fundamental rule is that the marks must be considered in their entireties, and the overall commercial impression of Applicant’s ENTEGRA CROSSFIRE mark, also taking into account its stylized form, is clearly distinctive from Opposer’s Mark.

11. Upon information and belief, Opposer does not use Opposer’s Mark other than in the connection with Opposer’s Goods recited in its U.S. Trademark Registration No. 3,319,980 for “semiconductors, circuit boards, peripheral graphics boards, and driver software for operating the foregoing, all for enhancing the visual experience of those using applications with high-end visual graphics and video such as gaming, animation, or playback” in International Class 9.

12. Applicant’s Goods and Services are identified in its application as:

Computers; tablet computers; desktop computers; tabletop computers; panel mount computers; mobile computers; computer hardware and computer peripherals; wireless computer peripherals; mobile communications modules and sensors for use with computers and tablet computers; electronic docking stations; computer docking stations; batteries and battery chargers; vehicle mount solutions, namely, mounting devices for computers and tablet computers; computer software, namely, computer operating system software, computer application software for accessing and interacting with enterprise business systems and customer proprietary systems for general purpose data entry into database or spreadsheet applications, data retrieval systems, and internet web browsing systems; computer utility software, in International Class 40; and

Consulting services in the field of design, engineering, testing, certification, quality control, selection, implementation and use of computer hardware and software systems for others, in International Class 42

are distinctly different from Opposer’s Goods identified in Opposer’s Registration such that confusion, mistake and deception are unlikely.

13. Applicant’s Goods and Services, as currently identified are distinctly different than Opposer’s Goods. Applicant’s Goods and Services relate to computers, computer

peripherals, mobile communications modules, and sensors for use with computers, admittedly classified as computer hardware products, are clearly dissimilar from the computer hardware products offered by the Opposer, namely, semiconductors, circuit boards and peripheral graphics boards. Additionally, the associated driver software offered by the Opposer for gaming, animation and playback purposes, is obviously distinct from the data entry software offered by Applicant.

14. Considered as a whole, the combination of Applicant's Mark with Applicant's Goods and Services is distinctly different from Opposer's Mark used in connection with Opposer's Goods.

15. Applicant's use and registration of the mark at issue in this proceeding has not and will not damage Opposer.

16. There may be additional affirmative defenses to Opposer's Notice of Opposition that are currently unknown to Applicant. Applicant reserves the right to amend this Answer to allege additional affirmative defenses as appropriate.

WHEREFORE, Applicant denies that Opposer will be damaged in any manner by registration of Applicant's Mark, denies that Applicant's Mark is barred from or otherwise not entitled to federal registration under the Lanham Act, denies that Opposer is entitled to any of the relief requested in the Notice of Opposition and prays that:

1. Opposition No. 91222680 be dismissed with prejudice;
2. U.S. Trademark Application Serial No. 86/167,885 for the mark ENTEGRA CROSSFIRE (stylized) proceed to registration; and
3. such other and further relief be granted as is deemed just and proper.

Respectfully Submitted,

ENTEGRA TECHNOLOGIES, INC.

By: Kristin Jordan Harkins

Kristin Jordan Harkins

U.S. Patent and Trademark Office Registration No. 37,859

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Counsel for Applicant

Electronically Filed Via ESTTA: Thursday, the 11th day of February, 2016.

CERTIFICATE OF TRANSMISSION UNDER TBMP 110

I HEREBY CERTIFY that a true and correct copy of this document, *Applicant's Answer to Notice of Opposition*, in Opposition No. 91222680 is being filed electronically through <http://esta.uspto.gov> via the Trademark Trial and Appeal Board Electronic Filing System.

On Thursday, the 11th day of February, 2016.

Laura A. Brock
Laura A. Brock

CERTIFICATE OF SERVICE UNDER TBMP 113

I HEREBY CERTIFY that a true and correct copy of the foregoing *Applicant's Answer to Notice of Opposition*, in Opposition No. 91222680 has been mailed by First Class U.S. Mail, postage prepaid, to counsel for Opposer, ATI Technologies ULC, as follows:

Belinda J. Scrimenti
Pattishall, McAuliffe, Newbury, Hilliard & Geraldson
200 South Wacker Drive, Suite 2900
Chicago, IL 60606

On Thursday, the 11th day of February, 2016.

Danielle Lehrman
Danielle Lehrman