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

Proceeding	91222731
Party	Defendant Saxon Glass Technologies, Inc.
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Date	08/17/2015
Attachments	Answer.pdf(96027 bytes) Exhibit A.pdf(21056 bytes)

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

In re the matter of Application Serial Nos. 86/397,207 and 86/397,268

Mark: IONEX

Published in the *Official Gazette* dated March 10, 2015

APPLE, INC.	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91222731
	:	
SAXON GLASS TECHNOLOGIES, INC.	:	
	:	
Applicant.	:	
	:	
_____	:	

ANSWER

Applicant Saxon Glass Technologies, Inc., by its attorneys, hereby answers the numbered paragraphs of the Notice of Opposition as follows:

1. Applicant admits that, based on the records of the U.S. Patent and Trademark Office (“USPTO”), two applications for the mark “IONEX” were filed by Applicant and assigned respectively U.S. Serial No. 86/397,207 (“the ‘207 Application”) and U.S. Serial No. 86/397,268 (“the ‘268 Application”).

2. Applicant admits that Opposer’s Exhibit A appears to comprise screenshots from Applicant’s website on July 2, 2015, depicting aspects of Applicant’s use of “IONEX” in connection with Applicant’s U.S. Registration No. 2,639, 419 for “IONEX”. (**Exhibit A**)

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the third numbered paragraph and they are therefore denied.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the fourth numbered paragraph and they are therefore denied.

5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the fifth numbered paragraph and they are therefore denied.

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the sixth numbered paragraph and they are therefore denied.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the seventh numbered paragraph and they are therefore denied.

8. The allegations in the eighth numbered paragraph constitute conclusions of law to which no response is required, and they are therefore denied.

9. Applicant admits that, based on the records of the USPTO, on September 17, 2014, Applicant filed the '268 Application on an intent-to-use basis under Section 1(b) of the Trademark Act seeking to register IONEX on the Principal Register of the USPTO for the goods in International Classes 9, 12, 14, 19, and 21. Applicant denies the identification of the goods as filed on September 17, 2014 set forth in the ninth numbered paragraph. The descriptions in the ninth numbered paragraph are amended descriptions entered on January 6, 2015, by Examiner's Amendment in the '268 Application.

10. Applicant admits that, based on the records of the USPTO, on September 17, 2014, Applicant filed the '207 Application under Section 1(a) of the Trademark Act seeking to register IONEX on the Principal Register of the USPTO for goods in International Class 9 and claiming a date of use in commerce at least as early as May 10, 1996. Applicant denies the identification of the goods as filed on September 17, 2014 set forth in the tenth numbered paragraph. The description in the tenth numbered paragraph is an amended description entered

on January 6, 2015, by Examiner's Amendment in the '207 Application.

11. Applicant admits that Opposer's Exhibit A appears to comprise screenshots from Applicant's website on July 2, 2015, depicting aspects of Applicant's use of "IONEX" in connection with Applicant's U.S. Registration No. 2,639, 419 for "IONEX" (**Exhibit A**).

12. Applicant admits, based on the records of the USPTO, that Opposer's Exhibit H is a specimen submitted by Applicant in the '207 Application depicting aspects of Applicant's use of "IONEX" in connection with goods described in the '207 Application.

13. Applicant denies the allegations in the thirteenth numbered paragraph. The IONEX mark is not merely descriptive.

14. Applicant admits the allegation in the fourteenth numbered paragraph that Applicant's '268 Application "...covers numerous 'strengthened glass' products...". Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding "...other glass products..." in the fourteenth numbered paragraph and they are therefore denied.

15. Applicant denies the allegations in the fifteenth numbered paragraph. The IONEX mark is not merely descriptive.

16. Applicant denies the allegations in the sixteenth numbered paragraph. The IONEX mark is not merely descriptive.

17. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the seventeenth numbered paragraph and they are therefore denied.

18. Applicant admits the allegation in the eighteenth numbered paragraph that Applicant filed the '207 and '268 Applications on September 17, 2014. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding

“...eight days after Opposer’s Apple Watch announcement...” in the eighteenth numbered paragraph and they are therefore denied.

19. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in the nineteenth numbered paragraph and they are therefore denied.

20. Applicant admits the allegation in the twentieth numbered paragraph that Applicant’s ‘268 Application covers goods recited in the twentieth numbered paragraph. Applicant denies the remaining allegations in the twentieth numbered paragraph in that Applicant had and has plans to produce chemically strengthened glass for, *inter alia*, wearable digital electronic devices identified in the ‘286 Application and/or to license one or more uses of IONEX on or in connection with such devices.

21. Applicant denies the allegations in the twenty-first numbered paragraph. At the time the ‘268 Application was filed on September 17, 2014, Applicant had, and continues to have, a *bona fide* intent to use IONEX in commerce in connection with all the goods identified in the ‘268 Application.

22. Applicant denies the allegations in the twenty-second numbered paragraph. Applicant has made use of the IONEX mark in commerce in connection with some of the goods identified in the ‘268 Application prior to July 8, 2015, the filing date of the Notice of Opposition.

23. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations regarding “...causing injury to Opposer...” in the twenty-third numbered paragraph. The remaining allegations in the twenty-third numbered paragraph constitute conclusions of law to which no response is required, and they are therefore denied.

WHEREFORE, Applicant prays that this Opposition to the '207 Application and the '286 Application be dismissed with prejudice, and that registrations of the IONEX mark based on these applications be granted.

Respectfully submitted,

DATED: August 17, 2015

/Patrick R. Delaney/

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Attorneys for Applicant
SAXON GLASS TECHNOLOGIES, INC.

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2015 I caused a true and correct copy of the foregoing Applicant's Answer with Exhibit to be served on the following in the manner indicated:

Glenn A. Gundersen (by first-class certified U.S. mail, postage prepaid)
Dechert LLP
Cira Centre, 2929 Arch Street
Philadelphia, PA 19104-2808

/Patrick R. Delaney/
Patrick R. Delaney

Int. Cl.: 40

Prior U.S. Cls.: 100, 103 and 106

United States Patent and Trademark Office

Reg. No. 2,639,419

Registered Oct. 22, 2002

**SERVICE MARK
PRINCIPAL REGISTER**

IONEX

**SAXON GLASS TECHNOLOGIES, INC. (NEW
YORK CORPORATION)
200 N. MAIN STREET
ALFRED, NY 14802**

FIRST USE 5-10-1996; IN COMMERCE 5-10-1996.

**FOR: CHEMICAL TREATMENT OF GLASS;
NAMELY, CHEMICAL STRENGTHENING OF
GLASS BY IMMERSION IN A MOLTEN SALT
BATH, IN CLASS 40 (U.S. CLS. 100, 103 AND 106).**

SER. NO. 76-360,939, FILED 1-22-2002.

CHRIS WELLS, EXAMINING ATTORNEY