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

Proceeding	91225899
Party	Defendant RADIAL ENGINEERING LTD.
Correspondence Address	TODD BRAVERMAN PEARL COHEN ZEDEK LATZER BARATZ LLP 1500 BROADWAY, 12TH FLOOR NEW YORK, NY 10036 tm-uspto@pearlcohen.com
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Date	02/23/2016
Attachments	ANSWER to Notice of Opposition - DYNACO - February 23, 2016 - Final.pdf(70585 bytes)

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

In the Matter of U.S. Application No. 86/432,541

PANOR CORP.,)	x
)	
v.)	Opposition No. 91225899
)	
RADIAL ENGINEERING LTD.,)	U.S. Application No. 86/432,541
)	
Applicant.)	Mark: DYNACO
)	
)	x

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

ANSWER TO NOTICE OF OPPOSITION

Radial Engineering Ltd., a Canadian corporation, having an address located at 1588 Kebet Way, Port Coquitlam, BC CANADA V3C5M5 (“Radial” or “Applicant”), for its answer to the Notice of Opposition filed on October 23, 2014 by Panor Corp. (“Opposer”) against application for registration of the mark DYNACO, U.S. Application Serial No. 86/432,541, and published in the *Official Gazette* of September 22, 2015, pleads and avers as follows:

With respect to any allegations contained in the preamble of the Notice of Opposition, Applicant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and therefore denies each and every allegation.

1. With respect to the allegations contained in Paragraph 1 of the Notice of Opposition, Applicant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and therefore denies each and every such allegation.

2. With respect to the allegations contained in Paragraph 2 of the Notice of Opposition, Applicant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and therefore denies each and every such allegation.

3. With respect to the allegations contained in Paragraph 4 of the Notice of Opposition, Applicant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and therefore denies each and every such allegation; except admits, on information and belief, that the records of the USPTO reflect that Marlborough Enterprises, Ltd (hereinafter “Marlborough”) was the record owner of U.S. Trademark Registration No. 1,428,146 for the mark DYNACO; and further refers to such records of the USPTO for its

complete and accurate content and states that to the extent the allegations of Paragraph 3 call for legal conclusions, no response is required.

4. With respect to the allegations contained in Paragraph 4 of the Notice of Opposition, Applicant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and therefore denies each and every such allegation.

5. With respect to the allegations contained in Paragraph 5 of the Notice of Opposition, Applicant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and therefore denies each and every such allegation.

6. With respect to the allegations contained in Paragraph 6 of the Notice of Opposition, Applicant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and therefore denies each and every such allegation; except admits that on October 23, 2014 Applicant filed a trademark application with the United States Patent & Trademark Office for the mark DYNACO for “electronic power amplifiers, preamplifiers, musical instrument preamplifiers, AM/FM stereo tuners, car audio stereo systems, stereo hi-fi systems, radios, wireless transmitters and receivers, headphone amplifiers, phono preamplifiers, loudspeakers, sub-woofer speakers, headphones, wireless headphones, wireless speakers, audio-video switchers, noise isolators, microphones, equalizers, crossovers, noise gates, limiters, audio signal processor duckers, compressors, optical compressors, voice processors, dynamic processors, analog and digital audio signal and effects processors, equalizers, crossovers, audio room emulators, speaker cabinet simulators, direct signal boxes, audio and digital signal switch boxes, vacuum tubes, electrical transformers, audio and video cables, and instruction manuals, sold as a unit,” in Class 09; and further refers to such records of the USPTO for its complete and accurate content.

7. With respect to the allegations contained in Paragraph 7 of the Notice of Opposition, Applicant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and therefore denies each and every such allegation; except admits that the United States Patent & Trademark Office issued an Office Action in connection with U.S. Application Serial No. 86/432,541 on February 17, 2015; and further refers to such records of the USPTO for its complete and accurate content and states that to the extent the allegations of Paragraph 7 call for legal conclusions, no response is required.

8. Admit.

9. Denied.

10. Denied.

11. Denied.

12. Denied.

13. With respect to the allegations contained in Paragraph 13 of the Notice of Opposition, Applicant is without knowledge and information sufficient to form a belief as to the truth of the allegations contained therein and therefore denies each and every such allegation and states that to the extent the allegations of Paragraph 13 call for legal conclusions, no response is required.

AFFIRMATIVE DEFENSES

19. There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant has priority of use of the DYNACO mark.

20. There is no likelihood of confusion, mistake or deception because, *inter alia*, Opposer, as licensee of Marlborough, does not own any right, title or interest in the Cancelled U.S. Trademark Registration No. 1,428,146 for the mark DYNACO or any unregistered trademark right in the mark DYNACO.

21. Any trademark rights that Opposer may have obtained in connection with the mark DYNACO have been abandoned due to non-use of the mark in commerce with intent not to resume commercial use for at least three (3) years prior to the filing of this Notice of Opposition.

22. There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's mark and the pleaded mark of Opposer are not confusingly similar.

23. Opposer's claims are barred, in whole or in part, since there is no likelihood of confusion in the market place.

24. The Notice of Opposition fails, in whole or in part, to state a claim upon which relief may be granted.

25. Opposer's claims are barred in whole or in part by the doctrine of unclean hands.

26. Opposer's claims are barred by the doctrines of laches, estoppel, and/or acquiescence.

27. Opposer's claims are barred by the doctrines of estoppel and/or waiver.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed in its entirety, and that a registration issue to Applicant for its mark.

Respectfully submitted,



Todd Braverman, Esq.
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New York, New York 10036
(646) 878-0820

Date: February 23, 2016

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing “**ANSWER TO NOTICE OF OPPOSITION**” was e-mailed to Laura Goldbard George, Stooock & Stooock & Lavan LLP, 180 Maiden Lane, New York, NY 10038-4982, attorneys for Opposer, at lgoldbard@stooock.com, on the 23rd day of February, 2016.

Date: February 23, 2016

Todd Braverman

Todd Braverman Esq.