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

Proceeding	91198372
Party	Defendant VTI Instruments Corporation
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

VTI TECHNOLOGIES OY)	
)	
Opposer,)	<u>Opposition No.</u> 91198372
)	Serial No. 77/783,473
V.)	
)	<u>Cancellation No.</u> 92053550
VTI INSTRUMENTS CORPORATION,)	Registration No. 3360894
)	
Applicant/Registrant)	<u>Cancellation No.</u> 92053559
)	Registration No. 3819148

Assistant Commissioner for Trademarks
Box TTAB
P. O. Box 1451
Alexandria, VA 22313-1451

ANSWER TO COMBINED NOTICE OF OPPOSITION
AND PETITION TO CANCEL

In reply to the Combined Notice of Opposition and Petition to Cancel with respect to Application No. 77/783,473 for the mark VTI INSTRUMENTS (plus design) and Registration Nos. 3,360,894 for the mark VTI MICROWAVE and 3,819,148 for the mark VTI INSTRUMENTS, the Applicant/Registrant therein, VTI Instruments Corporation, answers as follows:

1. In reply to Paragraph 1 of the Combined Notice, the Applicant/Registrant admits that it is a California corporation with an address at 2031 Main Street, Irvine, California 92614.
2. The Applicant/Registrant admits the allegations of Paragraph 2 of the Combined Notice.

3. The Applicant/Registrant admits the allegations of Paragraph 3 of the Combined Notice.

4. The Applicant/Registrant admits the allegations of Paragraph 4 of the Combined Notice.

5. In reply to Paragraph 5 of the Combined Notice, the Applicant/Registrant has no particular knowledge of the Opposer, VTI Technologies OY, and, therefore, denies each and every allegation set forth in Paragraph 5.

6. In reply to Paragraph 6 of the Combined Notice, the Applicant/Registrant has no particular knowledge of the Opposer and, therefore, denies each and every allegation set forth in Paragraph 6. In particular, the Applicant/Registrant denies that the Opposer is a leading provider of electronic sensors around the world including the United States.

7. In reply to Paragraph 7 of the Combined Notice, the Applicant/Registrant has no particular knowledge of how the Opposer used and is presently using Opposer's Marks and trade names incorporating "VTI" in commerce that can be regulated by the U. S. Congress. Furthermore, the Applicant/Registrant has no particular knowledge of the instruments on which and the industries in which the Opposer's Marks have been used. Therefore, the Applicant/Registrant denies each and every allegation set forth in Paragraph 7.

8. In reply to Paragraph 8 of the Combined Notice, the Applicant/Registrant has no particular knowledge of the U. S. trademark registrations of the Opposer or the corresponding applications or international registrations on which the Marks "VTI," "VTI TECHNOLOGIES AND DESIGN," and "VTI TECHNOLOGIES" are based. Moreover, the Applicant/Registrant has no particular knowledge whether the registrations are still in force. Therefore, the Applicant/Registrant denies each and every allegation set forth in Paragraph 8.

9. In reply to Paragraph 9 of the Combined Notice, the Applicant/Registrant has no particular knowledge of an amount of money spent by the Opposer in advertising and promotion of the Opposer's Marks in connection with the Opposer's goods and services. Therefore, the Applicant/Registrant denies each and every allegation set forth in Paragraph 9.

10. In reply to Paragraph 10 of the Combined Notice, the Applicant/Registrant admits that "VTI" is found in each of the Opposed Marks and the Opposer's Marks. However, the Applicant/Registrant denies that "VTI" is the dominant element in each of the Opposed and Opposer's Marks.

11. In reply to Paragraph 11 of the Combined Notice, the Applicant/Registrant has no particular knowledge of the significance or meaning of the letters "VTI" to those in the electronics, navigation or medical trades. Therefore, the Applicant/Registrant denies each and every allegation set forth in Paragraph 11.

12. In reply to Paragraph 12 of the Combined Notice, the Applicant/Registrant admits that the Applicant's goods are used on or in connection with instruments across various industries. However, the Applicant/Registrant denies that its goods are used with instruments in each of the aircraft, aviation industry, medical devices, electronics, electronic systems, automotive industry, vehicles, transportation, trains, power generation, semi-conductors, and others.

13. In reply to Paragraph 13 of the Combined Notice, the Applicant/Registrant denies that the Applicant's goods are offered in the same channels of trade, to the same customers, in the same markets, and utilized in the same environment of use as the goods and services of the Opposer.

14. In reply to Paragraph 14 of the Combined Notice, the Applicant/Registrant denies that no one of the Opposed Marks was used by the Applicant/Registrant or a predecessor prior to December 5, 2003.

15. In reply to Paragraph 15 of the Combined Notice, the Applicant/Registrant denies that no one of the Opposed Marks was used by the Applicant/Registrant or a predecessor prior to May 14, 2004.

16. In reply to Paragraph 16 of the Combined Notice, the Applicant/Registrant denies that no one of the Opposed Marks was used by the Applicant/Registrant or a predecessor prior to June 22, 2006.

17. In reply to Paragraph 17 of the Combined Notice, the Applicant/Registrant has no particular knowledge of any of the Opposer's rights in the Mark VTI. Therefore, the Applicant/Registrant denies each and every allegation set forth in Paragraph 17 of the Combined Notice.

18. The Applicant/Registrant admits the allegations of Paragraph 18 of the Combined Notice.

19. In reply to Paragraph 19 of the Combined Notice, the Applicant/Registrant denies that the Opposed Marks so resemble the Opposer's Marks as to be likely, when used on or in connection with the Applicant/Registrant's goods and services to cause confusion, or to cause mistake or to deceive. Therefore, the Applicant/Registrant denies each and every allegation set forth in Paragraph 19.

20. In reply to Paragraph 20 of the Combined Notice, the Applicant/Registrant denies that when used in connection with the Applicant/Registrant's goods and services, the Opposed

Marks falsely suggest a connection with Opposer. Therefore, the Applicant/Registrant denies each and every allegation set forth in Paragraph 20.

21. In reply to Paragraph 21 of the Combined Notice, the Applicant/Registrant denies that when used on or in connection with the Applicant/Registrant's goods and services, the Opposed Marks will dilute the distinctive quality of the Opposer's Marks. Therefore, the Applicant/Registrant denies each and every allegation set forth in Paragraph 21.

22. In reply to Paragraph 22 of the Combined Notice, the Applicant/Registrant denies that the Opposer will be damaged by the registration and continued registration of each of the Opposed Marks. Therefore, the Applicant/Registrant denies each and every allegation set forth in Paragraph 22.

AFFIRMATIVE DEFENSES

1. The respective goods of the Applicant/Registrant and the Opposer under the Opposed Marks and the Opposer's Marks travel in different channels of trade to be sold to different purchasers for entirely different applications within different environments so as to avoid any likelihood of confusion as to the source or sponsorship of such goods.

Therefore, Applicant/Registrant prays that the Combined Notice of Opposition and Petition to Cancel filed by the Opposer be dismissed in its entirety, and that Applicant/Registrant's Registration Nos. 3,360,894 and 3,819,148 be sustained in full force and effect and that Application No. 77/783,473 be maintained and a Notice of Allowance issued forthwith.

Respectfully submitted,

/ Morland C. Fischer /

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March 5, 2011

Dated

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that on the March 4, 2011, I filed via electronic means (ESTTA) this
ANSWER TO COMBINED NOTICE OF OPPOSITION AND PETITION TO CANCEL
with the:

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

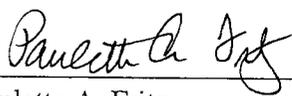
/Paulette A. Fritz/

Paulette A. Fritz

PROOF OF SERVICE

I hereby certify that on 4 March, 2011, a true copy of the **ANSWER TO COMBINED NOTICE OF OPPOSITION AND PETITION TO CANCEL** was mailed to the attorney for the Opposer, by first class mail, postage prepaid, as follows:

Hae Park-Suk
Barnes & Thornburg, LLP
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Paulette A. Fritz