

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

In the matter of: Innovics Wireless, Inc.
Trademark Application Serial No.: 76/302,713
Trademark: INNOV-ICS
Published in the Official Gazette: July 30, 2002

INOVONICS CORPORATION,

Opposer,

v.

INNOVICS WIRELESS, INC.,
formerly known as INNOV-ICS,

Applicant.

Opposition No. 91155704

ANSWER

Applicant Innovics Wireless, Inc. ("Innovics"), formerly known as Innovics Corporation and Innov-ICs Corporation, answering the Notice of Opposition of Opposer, Inovonics Corporation ("Inovonics"), denies that Opposer will be damaged by registration of the trademark INNOV-ICS.

First Defense

Answering the separately numbered paragraphs of the Notice of Opposition, Innovics states the following:

1. Regarding the allegations asserted in numbered paragraph 1 of the Notice of Opposition, Innovics admits that its U.S. Application Serial No. 76/302,713 for INNOV-ICS was published for opposition in the July 30, 2002 Trademark Office Official Gazette and further

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admits that Opposer appears to have filed a Notice of Opposition on February 25, 2003 under a Certificate of Mailing. Innovics is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations asserted in numbered paragraph 1 of the Notice of Opposition and therefore denies those allegations.

2. Regarding the allegations asserted in numbered paragraph 2 of the Notice of Opposition, Innovics is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted in the first sentence of numbered paragraph 2 and therefore denies those allegations. Regarding the remaining allegations in paragraph 2, Innovics admits that Exhibit 1 appears to consist of copies of February 25, 2002 printouts of certain TESS/TARR documentation regarding an "Inovonics" mark and denies the remaining allegations for lack of sufficient information.

3. Innovics is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted in numbered paragraph 3 of the Notice of Opposition and therefore denies those allegations.

4. Innovics is without knowledge or information sufficient to form a belief as to the truth of the allegations asserted in numbered paragraph 4 of the Notice of Opposition and therefore denies those allegations.

5. Regarding the allegations asserted in numbered paragraph 5 of the Notice of Opposition, Innovics admits that it is the owner of U.S. Trademark Application No. 76/302,713 for the mark INNOV-ICS for "computer software for the processing of wireless transmissions and the design and manufacturing of semiconductors for the same" in International Class 9 and further admits that the application was filed as an intent-to-use application on August 21, 2001.

6. Regarding the allegations asserted in numbered paragraph 6 of the Notice of Opposition, Innovics admits that it has used INNOV-ICS on products in commerce in the United States since the August 21, 2001 filing date and further avers that it used INNOV-ICS on products in commerce in the United States prior to the August 21, 2001 filing date.

7. Innovics denies the allegations asserted in numbered paragraph 7 of the Notice of Opposition.

8. Innovics denies the allegations asserted in numbered paragraph 8 of the Notice of Opposition.

9. Innovics denies the allegations asserted in numbered paragraph 9 of the Notice of Opposition.

10. Innovics denies the allegations asserted in numbered paragraph 10 of the Notice of Opposition.

Innovics denies all remaining allegations in the Notice of Opposition not previously answered herein.

Second Defense

Opposer's contentions in the Notice of Opposition are or may be barred by estoppel.

Third Defense

Opposer's contentions in the Notice of Opposition are or may be barred by laches.

Fourth Defense

Opposer's contentions in the Notice of Opposition are or may be barred by waiver and/or acquiescence.

Fifth Defense


The INNOV-ICS mark is not identical or confusingly similar to Opposer's asserted mark with respect to the goods and /or services as set forth in the application.

WHEREFORE, Applicant Innovics Wireless, Inc. prays that the Notice of Opposition be dismissed with prejudice and that the mark shown in Application Serial No. 76/302,713 be registered.

Respectfully submitted,

HOGAN & HARTSON, L.L.P.

By



Steven P. Hollman

555 Thirteenth Street, N.W.
Suite 7W-302
Washington, D.C. 220004-1109
(202) 637-5672

Attorneys for Applicant
Innovics Wireless, Inc.

Dated: April 29, 2003


CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this ~~2~~^{20th} day of April, 2003, a copy of the foregoing

ANSWER was served by first class mail, postage prepaid, addressed to the following:

Sabrina C. Stavish, Esq.
Miriam D. Trudell, Esq.
SHERIDAN ROSS P.C.
1560 Broadway, Suite 1200
Denver, Colorado 80202-5141

Attorneys for Opposer



Steven P. Hollman