

TTAB

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CERTIFICATE OF MAILING

I certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, April 13, 2005.

Dated: April 13, 2005


Howard F. Mandelbaum

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

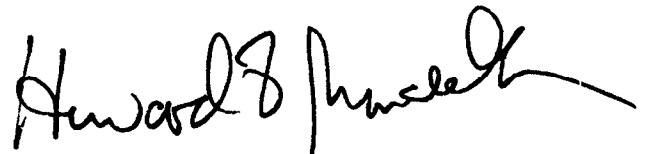
Re: America Online, Inc. v Triple-V (1999) Limited
Opposition No. 91163682
Our Ref: WOFF0060US

Sir:

Transmitted herewith for filing is an Answer in the above referenced opposition.

It is requested that the enclosed self-addressed postcard be stamped with the official dating stamp of the U.S. Patent and Trademark Office and returned.

Respectfully submitted,



Howard F. Mandelbaum
Reg. No. 27,519

HFM/mic
enc.

cc: Jamea R. Davis, II, Esq. w/enc.

04-18-2005

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

-----X
AMERICA ONLINE, INC.

Opposer,

Opposition NO. 91163682

v.

Serial No. 76209216

TRIPLE-V (1999) LIMITED

Applicant.

-----X

ANSWER

Applicant, Triple-V (1999) Limited, answers to the allegations of the Notice of Opposition as follows.

1. As to numbered paragraphs 1, 2, 5, 6, 7, 8, 9, 10, 11, 24, 25, of the Notice of Opposition, Applicant lacks knowledge or information sufficient to form a belief and therefore denies each and every allegation thereof.

2. As to paragraph 3 of the Notice of Opposition, Applicant admits that the United States Patent and Trademark Office issued to Opposer Registration No. 2,411,657 for the mark ICQ on December 12, 2000 on the Principal Register. As to each and every other allegation thereof, Applicant lacks knowledge or information sufficient to form a belief and therefore denies same.

3. As to paragraph 4 of the Notice of Opposition, Applicant admits that Opposer's certificate of trademark

registration no. 2,411,657 is prima facie evidence of the validity of the registered mark and of the registration of the mark, of the registrant's ownership of the mark, and of the registrant's exclusive right to use the registered mark in commerce on or in connection with the goods or services specified in the certificate, subject to any conditions or limitations stated in the certificate, that registration of said mark is constructive notice of the registrant's claim of ownership thereof. Applicant denies each and every other allegation thereof.

4. As to paragraph 12 of the Notice of Opposition, Applicant admits that Applicant has filed an application with the United States Patent and Trademark Office to register the mark ICU (Ser. No. 76/209216) for "color processors, signal switchers, signal distributors, blank recordable compact disks; calculators; data processors; television sets; units, namely, transmitters, receivers, transceivers and modems for interfacing between computers, television sets, telephones, cellular telephones and Internet" and "electronic commerce services, namely, computerized online retail services in the field of consumer goods; business advertising and business management consulting services; business management; distributorships in the field of consumer goods; import and

export trading agencies.". Applicant denies each and every other allegation thereof.

5. As to paragraph 13 of the Notice of Opposition, Applicant admits that the date Opposer claims to have first use of the ICQ mark and the date of Opposer's application to register the ICQ mark are prior to the date on which Applicant filed its application and prior to any first use date of which Applicant is currently aware that it may claim. As to each and every other allegation thereof, Applicant lacks knowledge or information sufficient to form a belief and therefore denies same.

6. As to paragraph 14 of the Notice of Opposition, Applicant admits that Applicant has made no use of its mark ICU in commerce as of the filing date of the application. Applicant denies each and every other allegation thereof.

7. As to paragraph 15 of the Notice of Opposition, Applicant denies that it knew of or had reason to know of Opposer's prior registration for the ICQ mark when Applicant filed its application. As to each and every other allegation thereof, Applicant lacks knowledge or information sufficient to form a belief and therefore denies same.

8. Applicant denies each and every allegation of paragraphs 16, 17, 18, 19, 20, 21, 22, 23, 26, 27, 28, 29, 30, 31, 32, and 33 of the Notice of Opposition.

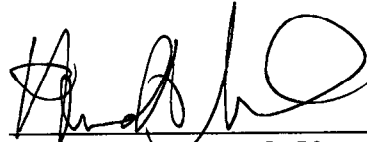
WHEREFORE, Applicant requests that the opposition be dismissed and that its application serial no. 76/209,216 be allowed.

New York, NY

Respectfully Submitted,

Date: April 13, 2005

LEVINE & MANDELBAUM,
Attorneys for Applicant




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CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing ANSWER has been sent this April 13, 2005, by first class mail, postage prepaid to:

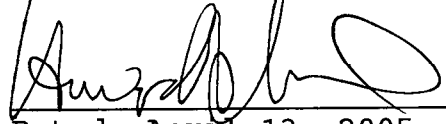
James R. Davis, II, Esq.
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1050 Connecticut Avenue, NW
Washington, DC 20036


Howard F. Mandelbaum

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Howard F. Mandelbaum

A handwritten signature in black ink, appearing to read "Howard F. Mandelbaum", written over a horizontal line.

Dated: April 13, 2005