

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

TTAB

In re Application Serial No: 76/644,283  
Trademark: UNIVERSAL NIGHT SCOPE  
Filed: August 4, 2005  
Published in the Official Gazette: June 6, 2006  
Our File No. OSTI01-00014

KNIGHT'S ARMAMENT COMPANY, )  
)  
Opposer, ) Opposition No. 91173342  
)  
v. )  
)  
OPTICAL SYSTEMS TECHNOLOGY, INC., )  
)  
Applicant. )

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD  
P. O. Box 1451  
Alexandria, VA 22313-1451

**CERTIFICATE OF MAILING BY POST OFFICE EXPRESS MAIL**

Sir:

The undersigned hereby certifies that the following documents:

1. APPLICANT OPTICAL SYSTEMS TECHNOLOGY, INC.'S ANSWER TO NOTICE OF OPPOSITION

relating to the above Opposition, were deposited as "Express Mail", Mailing Label No. EV915226107US with the United States Postal Service, addressed to Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451, on November 21, 2006.

Date: 11-21-2006

Nancy J. Lambert  
Mailer

Date: November 21, 2006

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11-21-2006

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UNITED STATES PATENT AND TRADEMARK OFFICE  
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Alexandra, VA 22313-1451

**APPLICANT OPTICAL SYSTEMS TECHNOLOGY, INC.'S ANSWER  
TO NOTICE OF OPPOSITION**

Applicant, Optical Systems Technology, Inc. ("OSTI" or "Applicant"), by its undersigned attorneys, hereby sets forth its Answer to the Notice of Opposition asserted by Opposer, Knight's Armament Company ("KAC"), with respect to OSTI'S application for registration of the trademark "UNIVERSAL NIGHT SCOPE," and in support thereof respectfully states as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 1 of the Notice of Opposition, and therefore denies same.

2. Applicant denies the allegations contained in paragraph 2 of the Notice of Opposition.

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 3 of the Notice of Opposition, and therefore denies same.

4. Applicant admits that Opposer has registered federal trademarks for KNIGHTSCOPE, UNS and UKS and that it has filed trademark applications for UNIVERSAL KNIGHTSCOPE (Serial No. 78/747500) and UNIVERSAL NIGHT SIGHT (Serial No. 78/747483). Except as so admitted, however, Applicant denies each and every other allegation contained in paragraph 4 of the Notice of Opposition. Applicant has petitioned to cancel Opposer's Registration No. 2,949,159 of the federal trademark UNS in Trademark Trial and Appeal Board ("TTAB") proceeding Cancellation No. 92044819. The Parties are engaged in various other TTAB proceedings involving asserted related marks.

5. Applicant denies the allegations contained in paragraph 5 of the Notice of Opposition.

6. Applicant denies the allegations contained in paragraph 6 of the Notice of Opposition.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 7 of the Notice of Opposition, and therefore denies same.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 8 of the Notice of Opposition, and therefore denies same.

9. Applicant denies the allegations contained in paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations contained in paragraph 10 of the Notice of Opposition.

11. Applicant denies the allegations contained in paragraph 11 of the Notice of Opposition.

12. Applicant denies the allegations contained in paragraph 12 of the Notice of Opposition.

13. Applicant denies the allegations contained in paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations contained in paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations contained in paragraph 15 of the Notice of Opposition.

16. Applicant denies the allegations contained in paragraph 16 of the Notice of Opposition.

17. Applicant denies the allegations contained in paragraph 17 of the Notice of Opposition.

18. Applicant admits that it has disclaimed the exclusive right to use of "NIGHT SCOPE" separate and apart from the mark at issue. Applicant denies all other allegations contained in paragraph 18 of the Notice of Opposition.

19. Applicant asserts that the allegations contained in paragraph 19 of the Notice of Opposition are a legal conclusion to which no response is necessary. Nevertheless, Applicant denies the allegations contained in this paragraph.

20. Applicant admits that a registration of its mark UNIVERSAL NIGHT SCOPE would grant Applicant a *prima facie* exclusive right to use the mark in connection with the goods described in the application. Applicant denies all other the allegations contained in paragraph 20 of the Notice of Opposition.

21. Applicant denies the allegations contained in paragraph 21 of the Notice of Opposition.

22. Applicant denies the allegations contained in paragraph 22 of the Notice of Opposition.

23. Applicant denies the allegations contained in paragraph 23 of the Notice of Opposition.

24. Applicant denies the allegations contained in paragraph 24 of the Notice of Opposition.


25. Applicant denies the allegations contained in paragraph 25 of the Notice of Opposition.

26. Applicant denies the allegations contained in paragraph 26 of the Notice of Opposition.

WHEREFORE, Applicant prays that this Opposition be dismissed and that Applicant be granted registration of its mark.

MUNCK BUTRUS, P.C.

By

  
\_\_\_\_\_  
William A. Munck,  
Reg. No. 39,308  
Cami Dawson Boyd,  
Texas Bar No. 00787340  
J. Robert Arnett,  
Texas Bar No. 01332900

ATTORNEYS FOR APPLICANT  
Optical Systems Technology, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the above Answer to Notice of Opposition has been served upon counsel for Opposer Brian S. Steinberger, Esq. 101 Brevard Boulevard, Cocoa, Florida 32922, this 21<sup>st</sup> day of November, 2006.

  
\_\_\_\_\_  
Cami Dawson Boyd  
ATTORNEY FOR APPLICANT