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

Proceeding	91173379
Party	Defendant Altec Lansing Technologies, Inc. Altec Lansing Technologies, Inc. Route 6 and 209 , PA 18337
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Date	11/22/2006
Attachments	EInkanswer.pdf (5 pages)(110088 bytes)

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

In the Matter of Application No. 78/397,226

Mark: INMOTION

E Ink Corporation)	
)	
Opposer,)	Opposition No.
v.)	
)	
Altec Lansing Technologies, Inc.)	
)	
Applicant.)	

ANSWER

BOX TTAB NO FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Applicant, Altec Lansing Technologies, Inc. (“Applicant” or “Altec”), by and through its undersigned counsel, hereby answers and asserts affirmative defenses to the Notice of Opposition of Registrant, E Ink Corporation (“Opposer” or “E Ink”)

1. Applicant lacks knowledge or information sufficient to form a belief with respect to the allegations set forth in Paragraph 1 of the Notice of Opposition.
2. Applicant admits that Altec Lansing Technologies, Inc. is a Pennsylvania Corporation with a place of business at 733 Concord Avenue, Cambridge, Massachusetts 02138 as set forth in Paragraph 2 of the Notice of Opposition.
3. Applicant lacks knowledge or information sufficient to form a belief with respect to the allegations set forth in Paragraph 3 of the Notice of Opposition.

4. Applicant lacks knowledge or information sufficient to form a belief with respect to the allegations set forth in Paragraph 4 of the Notice of Opposition.

5. Applicant admits that it filed Application no. 78/378,226 to register the mark INMOTION for the goods listed in Paragraph 5 of the Notice of Opposition and denies the remaining allegations set forth in Paragraph 5 of the Notice of Opposition.

6. Applicant the allegations set forth in Paragraph 6 of the Notice of Opposition.

7. Applicant admits that on October 1, 2004, Opposer filed trademark application No. 78/492,954 for INK-IN-MOTION for the goods listed in paragraph 7 of the Notice of Opposition, which application speaks for itself.

8. Applicant lacks knowledge or information sufficient to form a belief with respect to the allegations set forth in Paragraph 8 of the Notice of Opposition.

9. Applicant lacks knowledge or information sufficient to form a belief with respect to the allegations set forth in Paragraph 9 of the Notice of Opposition.

10. Applicant admits that on April 11, 2006, Applicant's INMOTION Application was published for Opposition in the PTO's Official Gazette, which documents speak for themselves. Applicant denies the remaining allegations set forth in Paragraph 10 of the Notice of Opposition.

11. Applicant responds to Paragraph 11 of Opposer's Notice of Opposition by incorporating by reference its responses to Paragraphs 1-10 as if set forth fully herein.

12. Applicant denies the allegations set forth in Paragraph 12 of the Notice of Opposition.

13. Applicant denies the allegations set forth in Paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations set forth in Paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations set forth in Paragraph 15 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

16. The Notice of Opposition fails to state any claim upon which relief can be granted.

17. Opposer's claims are barred because of laches, estoppel and/or acquiescence.

18. There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's and Opposer's marks are not confusingly similar based on the difference in the marks.

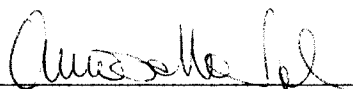
19. Opposer will not be damaged by the issuance to Applicant of the registration sought.

WHEREFORE, Applicant prays that Opposition be dismissed in its entirety, together with the costs and disbursements of this action and such other and further relief as the Court may deem just and proper.

Dated: New York, New York
November 22, 2006

Respectfully submitted,

GREENBERG TRAURIG, LLP

By: 
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*Attorney for Opposer,
E Ink Corporation*

Certificate of Service

I hereby certify that a copy of the foregoing Answer was deposited with the United States Postal Service as first-class mail, postage paid, in an envelope addressed to: Rachelle A. Dubow
Bingham McCutchen LLP, 150 Federal Street, Boston, MA 02110



Anna Dalla Val