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

Proceeding	91179084
Party	Defendant Advanced Biometric Solutions, Inc.
Correspondence Address	Anna Vishev, Esq. Ostrolenk, Faber, Gerb & Soffen, LLP 1180 Avenue of Americas New York, NY 10036 avishev@ostrolenk.com
Submission	Answer
Filer's Name	Anna Vishev
Filer's e-mail	avishev@ostrolenk.com
Signature	/anna vishev/
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

THE CHAMBERLAIN GROUP, INC.,

Opposer,

v.

ADVANCED BIOMETRIC SOLUTIONS, INC.,

Applicant.

Application No. 78/965,234

Opposition No. 91179084

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant, Advanced Biometric Solutions, Inc., ("Applicant"), by and through its attorneys, Ostrolenk, Faber, Gerb & Soffen, LLP, hereby answers the Notice of Opposition as follows:

First unnumbered paragraph: Applicant admits that it has filed Application No. 78/965,234 to register DOORMASTER for biometric security and identification software in International Class 9; Applicant denies that The Chamberlain Group, Inc. ("Opposer") will be damaged by the registration of Applicant's mark; Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph of the Notice of Opposition and, therefore, denies same.

COUNT I – TRADEMARK INFRINGEMENT

1. As to paragraph 1 of the Notice, Applicant admits the allegations.
2. As to paragraph 2 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly, denies the same.

3. As to paragraph 3 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly, denies the same.
4. As to paragraph 4 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly, denies the same.
5. As to paragraph 5 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly, denies the same.
6. As to paragraph 6 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly, denies the same.
7. As to paragraph 7 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly, denies the same.
8. As to paragraph 8 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly, denies the same.
9. As to paragraph 9 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly, denies the same.
10. As to paragraph 10 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly, denies the same.
11. As to paragraph 11 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly, denies the same.
12. As to paragraph 12, Applicant denies the allegations.
13. As to paragraph 13, Applicant denies the allegations.
14. As to paragraph 14, Applicant denies the allegations.
15. As to paragraph 15, Applicant denies the allegations.
16. As to paragraph 16, Applicant denies the allegations.

17. As to paragraph 17, Applicant denies the allegations.

18. As to paragraph 18, Applicant denies the allegations.

COUNT II –FEDERAL TRADEMARK DILUTION

19. Answers to paragraphs 1-18 are incorporated herein by reference.

20. As to paragraph 20 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly, denies the same.

21. As to paragraph 21 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly, denies the same.

22. As to paragraph 22 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly, denies the same.

23. As to paragraph 23 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly, denies the same.

24. As to paragraph 24 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly, denies the same.

25. As to paragraph 25 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations and, accordingly, denies the same.

26. As to paragraph 26 of the Notice, Applicant admits that if Applicant is granted registration of its DOORMASTER trademark, Applicant will obtain *prima facie* exclusive right to use such mark for the goods specified in the subject application. Applicant denies remaining allegations in paragraph 26.

Applicant denies that Opposer is entitled to the relief requested in the Notice of Opposition.

AFFIRMATIVE DEFENSES

1. There are numerous registrations in the U.S. Patent and Trademark Office for marks consisting of or incorporating the word MASTER including the following which are used in connection with security products:

No.	Mark	Registration No.	Registrant	Goods
1	TOUGH UNDER FIRE MASTER	3147816	Master Lock Company	Vehicle security, towing, cargo carrying, and accessory products, namely, vehicle steering wheel locks, anti-theft locks for use on automobile pedals, anti-theft locks for use on spare tire locks, parts of automobiles and trailers, namely, receiver pins and clips, parts of automobiles and trailers, namely, receiver locks, trailer hitch couplers, metal locking device for trailer hitch coupler latches, metal locking device for trailer hitch coupler, anti-theft locks for use on trailers, parts of automobiles and trailers, namely, safety cables, safety chains, safety links, hitches, hitch balls, hitch ball locks, ball mounts, hitch ball covers, lug nuts, anti-theft locks for use on wheels, wheel spacers, bearing protectors, hitch ball reducer bushings, receiver covers, tow hooks; bicycle racks; tow bars; parts of automobiles and trailers, namely, fold-away cleats, pocket stake anchors; cargo carriers for automobiles and trailers.
2	GUARD MASTER	2519951	Justrite Manufacturing Company, LLC	Metal security storage cabinets

3	OFFICE MASTER SYSTEM	2773113	Master System, Inc.	Computer software for office operation management and accounting records designed for wholesalers, distributors, importers, retailers and manufacturers; Computer systems comprised of customer file, inventory file, inventory control, sales order, invoicing, customer quotation, purchase order, accounts receivable, accounts payable, bank reconciliation, general ledger, company sales analysis, system user access security control for wholesalers, distributors, importers, retailers and manufacturers for business applications and accounts records; and user manuals for all of the foregoing sold as a unit.
4	ENTRY- MASTER	2532037	Entry-Master Systems, Inc.	Computer software for managing facility security, access control, parking revenue tracking, elevator control and monitoring.
5	FLEX-MASTER	2491031	Flexon, Inc.	Security doors, namely, non-metal roll-up doors
6	SECURITY MASTER PLAN	3125102	TRC Companies, Inc.	Consulting services in security risk analysis and consulting in the design of security systems. Consulting in the installation of security systems.

Opposer's marks are, therefore, weak and, at most, entitled to a narrow scope of protection. Under the doctrine of estoppel, any rights Opposer may be entitled to in its pleaded marks do not extend to the denial of registration to Applicant's mark.

2. Opposer has acquiesced to the use in commerce and registration of numerous marks in the U.S. Patent and Trademark Office consisting of or incorporating the word MASTER for use on security-related goods or services, including the marks set forth in Paragraph 1 of Applicant's


Affirmative Defenses herein. Consequently, any rights Opposer may be entitled to with respect to its pleaded marks do not extend to the denial of registration to Applicant's mark.

WHEREFORE, Applicant respectfully requests that this Opposition No. 91179084 be dismissed with prejudice.

Dated: September 28, 2007
New York, New York

THIS CORRESPONDENCE IS BEING
SUBMITTED ELECTRONICALLY THROUGH
THE PATENT AND TRADEMARK OFFICE
ESTTA FILING SYSTEM ON September 28,
2007.

Respectfully submitted,



Anna Vishev

OSTROLENK, FABER, GERB & SOFFEN, LLP
1180 Avenue of the Americas
New York, New York 10036-8403
Tel: (212) 382-0700

Attorneys for Applicant

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION** was served upon counsel for Opposer this 28th day of September, 2007 by First-Class mail, postage prepaid, addressed as follows:

Joseph T. Nabor
FITCH, EVEN, TABIN & FLANNERY
120 South LaSalle Street, Suite 1600
Chicago, Illinois 60603-3406

Anna Vishev

Anna Vishev