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Filing date: **03/12/2008**

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

|                           |  |
|---------------------------|--|
| Proceeding                | 91181658   |
| Party                     | Defendant<br>Solar Blue LLC  |
| Correspondence<br>Address | DAVID L. SIGALOW<br>ALLEN, DYER, DOPPELT, MILBRATH & GILCHRI<br>255 S ORANGE AVE STE 1401<br>ORLANDO, FL 32801-3460<br>UNITED STATES<br>bheffernan@addmg.com |
| Submission                | Answer   |
| Filer's Name              | Bridget Heffernan Labutta  |
| Filer's e-mail            | bheffernan@addmg.com, bdeacon@addmg.com  |
| Signature                 | /Bridget Heffernan Labutta/  |
| Date                      | 03/12/2008   |
| Attachments               | IK4974.PDF ( 3 pages )(7829 bytes )  |

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

Schott AG,

Opposer,

Opposition No. 91181658

Mark: **Misc. Design**

Serial No.: 77/113,166

v.

Solar Blue LLC,

Applicant.

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**APPLICANT'S ANSWER AND AFFIRMATIVE DEFENSES  
TO THE NOTICE OF OPPOSITION**

Applicant Solar Blue LLC, by its attorneys, hereby answers the Notice of Opposition, as follows:

1. Admitted.
2. Admitted that the Trademark Electronic Search System (TESS) shows the noted filing dates and priority dates for U.S. Registration Nos. 3,194,280 and 2,643,413, and further admitted that TESS shows that Schott AG owns the noted registrations for the noted goods. Applicant is without knowledge or information sufficient to admit or deny the remaining allegations in Paragraph 2, and based upon such lack of knowledge or information hereby denies same.
3. Denied.
4. Denied.
5. Denied.

### **APPLICANT'S AFFIRMATIVE DEFENSES**

1. Applicant's mark is not confusingly or deceptively similar to Opposer's mark.
2. Applicant's mark is not similar in sight, sound, meaning, or commercial impression to Opposer's mark.
3. Applicant's goods are not similar or related to Opposer's goods.
4. Since Applicant's mark and Applicant's goods are not similar to Opposer's Marks or Opposer's goods, there is no likelihood of confusion in the marketplace as to the source of Opposer's and Applicant's goods.
5. Since Applicant's mark and Applicant's goods are not similar to Opposer's Marks or Opposer's goods, Applicant's use and registration of its mark will not cause damage to Opposer.
6. Consumers are not likely to believe that Applicant or its goods are endorsed, affiliated, sponsored or approved by Opposer.

Dated: March 12, 2008

Respectfully submitted,

/Bridget Heffernan Labutta/  
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**Attorney for Applicant  
Solar Blue LLC**

**CERTIFICATE OF SERVICE**

I certify that a true and correct copy of the foregoing was served by email and U. S. Mail on March 12, 2008 to:

Edward Kelly, Esq.  
Tiajolloff & Kelly  
Chrysler Building, 37<sup>th</sup> Fl.  
405 Lexington Avenue  
New York, New York 10174

                  /Beverley Deacon/                    
Signature