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

Proceeding	91184607
Party	Defendant Australian Technology; Information Pty L imited
Correspondence Address	Jeffrey W. Weaver Dunlap, Grubb & Weaver, PLLC 199 Liberty Street Leesburg, VA 20175 UNITED STATES jweaver@dglegal.com
Submission	Answer
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Date	09/18/2008
Attachments	Answer.pdf (4 pages)(12691 bytes)

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

ATI TECHNOLOGIES ULC,)	
)	
Opposer/Plaintiff,)	
)	
v.)	Opposition No. 91184607
)	
AUSTRALIAN TECHNOLOGY;)	
INFORMATION PTY LIMITED,)	
)	
Applicant/Defendant.)	

ANSWER

Australian Technology; Information Pty Limited (the “Defendant”) hereby files this its Answer and responds as follows to the allegations in the correspondingly numbered paragraphs of the Notice of Opposition (the “Complaint”) filed by Plaintiff ATI Technologies ULC (the “Plaintiff”):

1. Defendant does not have sufficient information to admit or deny the allegations in paragraph 1 of the Complaint, and therefore denies the same.
2. Defendant admits that there is a registered mark bearing the U.S. Patent and Trademark Office Registration Number 2,154,405 that is described in paragraph 2 of the Complaint with reasonable accuracy.
3. Defendant admits that there is a registered mark bearing the U.S. Patent and Trademark Office Registration Number 1,946,548 that is described in paragraph 3 of the Complaint with reasonable accuracy.
4. Defendant does not have sufficient information to admit or deny the allegations in paragraph 4 of the Complaint, and therefore denies the same.

5. Defendant does not have sufficient information to admit or deny the allegations in paragraph 5 of the Complaint, and therefore denies the same.

6. Defendant does not have sufficient information to admit or deny the allegations in paragraph 6 of the Complaint, and therefore denies the same.

7. Defendant admits the allegations in paragraph 7 of the Complaint.

8. Defendant denies the allegations in paragraph 8 of the Complaint and demands strict proof thereof.

9. Defendant admits the allegations in paragraph 9 of the Complaint.

10. Defendant denies the allegations in paragraph 10 of the Complaint and demands strict proof thereof.

First Affirmative Defense

Non-Infringement

The Defendant's products are not likely to cause confusion, mistake, or deception as to origin, sponsorship, or approval.

Second Affirmative Defense

Other Affirmative Defenses Based on Later Discovered Evidence

The Defendant reserves all affirmative defenses at law or in equity that may now exist or in the future be available based on discovery and further factual investigation in this case.

WHEREFORE, having fully answered the Complaint, Defendant requests that the Complaint be dismissed with prejudice and demands that the relief prayed for therein be denied and that judgment be entered in Defendants' favor. Defendant further

requests that the Court award such other, further, and different relief as the Court may deem just and proper.

Respectfully submitted,

AUSTRALIAN TECHNOLOGY;
INFORMATION PTY LIMITED,
Defendant
By Counsel

Dated: September 18, 2008

/Jeffrey W. Weaver/
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CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2008, a true and complete copy of the foregoing Answer has been served via ESTTA, electronic mail, and First Class mail, postage prepaid to:

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