

ESTTA Tracking number: **ESTTA400958**

Filing date: **03/31/2011**

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

Proceeding	91193491
Party	Plaintiff ATI Technologies ULC
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Submission	Answer to Counterclaim
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Date	03/31/2011
Attachments	91193491.pdf (3 pages)(37511 bytes)

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

ATI TECHNOLOGIES ULC,)	
)	
Opposer,)	
)	
v.)	Opp. No. 91193491
)	
TELEFONICA, S.A.)	
)	
Applicant.)	

ANSWER TO APPLICANT'S COUNTERCLAIM

ATI Technologies ULC ("ATI") hereby answers Applicant's counterclaim. (Paragraphs 1-7 of Applicant's Answer comprise ATI's Notice of Opposition, and Paragraphs 8-10 of Applicant's Answer contain Applicant's Affirmative Defenses and therefore do not require response). As to each numbered paragraph of the Counterclaim, Applicant states as follows:

11. ATI admits that the TARR record for App. No. 78/812,301 indicates that Applicant is a Spanish corporation located at Gran Vía, 28, Madrid 28013, Spain. ATI otherwise states that it lacks knowledge or information sufficient to form a belief about the truth or falsity of the allegations of Paragraph 11 of the Counterclaim, and therefore denies the same.

12. ATI admits that it is an unlimited liability corporation of Alberta, Canada, located at 700 2nd Street SW, Suite 1200, Calgary, Alberta T2P 4V5, Canada, and otherwise denies the allegations of Paragraph 12 of the Counterclaim.

13. ATI denies the allegation of Paragraph 13 of the Counterclaim that Applicant is the owner of Application Serial No. 78/812,301 for the mark IMAGEON for goods and services in International Classes 9, 38 and 41 which is pending before the PTO. ATI avers that it owns Registration No. 2,865,458 for IMAGEON, and avers that Applicant is the applicant of

Application Serial No. 78/812,301 for the mark IMAGENIO for goods and services in International Classes 9, 38, and 41, and that said application is pending before the USPTO.

14. ATI admits that it opposed all goods and services in Classes 9, 38, and 41 listed in Application Serial. No. 78/812,301 for the mark IMAGENIO in Opposition No. 91193491, on the basis of ATI's prior use and ownership of U.S. Registration No. 2,865,458 for the mark IMAGEON for goods in Class 9 and likelihood of confusion with such mark; ATI otherwise denies the remaining allegations set forth in Paragraph 14 of the Counterclaim.

15. ATI denies each and every allegation made in or reasserted by Paragraph 15 of the Counterclaim.

16. ATI denies each and every allegation made in or reasserted by Paragraph 16 of the Counterclaim.

17. ATI denies each and every allegation made in or reasserted by Paragraph 17 of the Counterclaim.

Dated: March 31, 2011

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

By: /Teresa D. Tambolas/

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Attorneys for ATI Technologies ULC

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **Answer to Applicant's Counterclaim** was served upon Applicant's counsel of record at his correspondence address:

Charles P. LaPolla
Ostrolenk, Faber, Gerb & Soffen, LLP
1180 Avenue of the Americas, Floor 7
New York, NY 10036

by United States Mail, postage prepaid, this 31st day of March 2011.

/Teresa D. Tambolas/