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

Proceeding	91202700
Party	Defendant Ingersoll-Rand Company
Correspondence Address	BRION ST AMOUR INGERSOLL-RAND COMPANY 11819 N PENNSYLVANIA ST CARMEL, IN 46032-4555 UNITED STATES mnieds@iphorgan.net, mail@iphorgan.net
Submission	Answer
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Signature	/Mark A. Niede/
Date	06/01/2012
Attachments	IRC 0058 US Answer to Amended NOA.pdf (7 pages)(163624 bytes)

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

DEXTER & CHANEY, INC.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91202700
)	Application Serial. No. 85333600
INGERSOLL-RAND COMPANY,)	Mark: SPEXTRA
)	
)	
Applicant)	

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Applicant INGERSOLL-RAND COMPANY, a New Jersey Corporation (“Applicant”), by its attorneys IpHorgan Ltd., for its Answer to the Amended Notice of Opposition filed by DEXTER & CHANEY, INC., (“Opposer”), alleges and states as follows:

Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the corporate allegations relating to Opposer as contained in the un-numbered introductory Paragraph of the Amended Notice of Opposition and, therefore, denies each and every allegation therein. Answering further, Applicant denies that Opposer will be damaged by registration of Applicant’s mark as alleged in the un-numbered introductory Paragraph of the Amended Notice of Opposition. Applicant admits that it has sought to register Application Serial No. 85333600 for the mark “SPEXTRA,” which application was filed on or about May 31, 2011 for the items identified in Classes 9 and 42 as alleged in the un-numbered opening Paragraph of the

Amended Notice of Opposition and that Opposer has initiated this Opposition proceeding.

Answering the second un-numbered paragraph of the Amended Notice of Opposition, Applicant admits that a document purporting to be Exhibit A was attached to the Amended Notice of Opposition as alleged in same. Answering further, Applicant admits that said document appears to be a printout from the USTPO TARR web servers.

- 1) Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 1 of the Amended Notice of Opposition and, therefore, denies each and every allegation therein.
- 2) Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 2 of the Amended Notice of Opposition and, therefore, denies each and every allegation therein.
- 3) Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 3 of the Amended Notice of Opposition pertaining to Opposer's ownership of Registration 3366516 for the mark SPECTRUM and, therefore, denies such allegations. Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 3 of the Amended Notice of Opposition pertaining to the date of first use of Opposer's alleged SPECTRUM mark and, therefore, denies such allegations. Answering further, Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 3 of the Amended

Notice of Opposition pertaining to Opposer's ownership of Registration 3506111 for the mark SPECTRUM CONSTRUCTION SOFTWARE and Design and, therefore, denies such allegations therein. Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 3 of the Amended Notice of Opposition pertaining to the date of first use of Opposer's alleged SPECTRUM CONSTRUCTION SOFTWARE and Design mark and, therefore, denies such allegations therein. Answering further, Applicant admits that a document purporting to be Exhibit B was attached to the Amended Notice of Opposition as alleged in the third paragraph. Answering further, Applicants admits that said document appears to be a printout from the USTPO TARR web servers. Answering further, Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 3 of the Amended Notice of Opposition pertaining to Opposer's ownership of the registrations identified in Exhibit B and therefore denies such allegations.

- 4) Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 4 of the Amended Notice of Opposition and, therefore, denies each and every allegation therein.
- 5) Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 5 of the Amended Notice of Opposition and, therefore, denies each and every allegation therein.

- 6) Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 6 of the Amended Notice of Opposition and, therefore, denies each and every allegation therein.
- 7) Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 7 of the Amended Notice of Opposition and, therefore, denies each and every allegation therein.
- 8) Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 8 of the Amended Notice of Opposition pertaining to Opposer's alleged priority of use and first use of the SPECTRUM marks and, therefore, denies each and every allegation therein. Answering further, Applicant admits that Application 85333600 bears a filing date of May 31, 2011 and an Intent to Use filing basis.
- 9) Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 9 of the Amended Notice of Opposition pertaining to Opposer's presence in the construction software industry and its provision of custom design software services as alleged in the first sentence of Paragraph 9 of the Amended Notice of Opposition. Answering further, Applicant admits that, among other businesses, it is engaged in the construction software industry and offers custom design software services as alleged in the first sentence of Paragraph 9 of the Amended Notice of Opposition. Answering further, Applicant admits that Application 85333600 is for the proposed use of the mark SPEXTRA in connection with computer software and services but denies that such mark is

“highly similar to” any of Opposer’s marks as alleged in the first sentence of Paragraph 9 of the Amended Notice of Opposition. Answering further, Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 9 of the Amended Notice of Opposition and therefore denies such allegations.

10) Applicant denies each and every allegation contained in Paragraph 10 of the Amended Notice of Opposition.

11) The allegations contained in the first sentence of Paragraph 11 of the Amended Notice of Opposition are legal conclusions to which no answer is required. To the extent an answer is required, Applicant denies same. Answering further, Applicant denies each and every allegation contained in the second sentence of Paragraph 11 of the Amended Notice of Opposition.

WHEREFORE, Applicant INGERSOLL-RAND COMPANY respectfully requests that the Opposition of DEXTER & CHANEY, INC. be denied and that Applicant’s mark be allowed to register.

Respectfully Submitted,

Mark A. Niede



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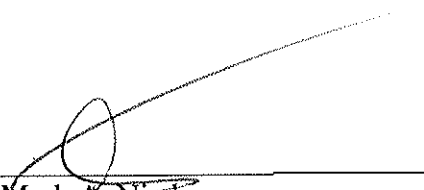
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INGERSOLL-RAND COMPANY,)	Mark: SPEXTRA
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing ANSWER TO AMENDED NOTICE OF OPPOSITION was served this June 1, 2012, by First Class Mail, postage prepaid to the following address, identified as Opposer's Counsel in this matter:

Leslie C. Ruitter
Stokes Lawrence, P.S.
800 Fifth Avenue, Suite 4000
Seattle, WA 98104
UNITED STATES
ttab@stokeslaw.com


By: 
Mark A. Niede
Attorney for Applicant
Ingersoll-Rand Company

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CERTIFICATE OF ELECTRONIC FILING

The undersigned hereby certifies that the attached ABANDONMENT OF TRADEMARK APPLICATION AND REQUEST FOR TERMINATION OF OPPOSITION was filed electronically with the Trademark Trial and Appeal Board on this June 1, 2012.

By: 
Mark A. Niede
Attorney for Applicant
Ingersoll-Rand Company