

ESTTA Tracking number: **ESTTA489952**

Filing date: **08/20/2012**

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

Proceeding	91206063
Party	Defendant ORC International, Inc.
Correspondence Address	ROBERT J. LEVINE CUDDY & FEDER LLP 445 HAMILTON AVE FL 14 WHITE PLAINS, NY 10601-1874  rlevine@cuddyfeder.com
Submission	Answer
Filer's Name	Anthony P. Luisi
Filer's e-mail	aluisi@cuddyfeder.com
Signature	/Anthony P Luisi/
Date	08/20/2012
Attachments	Answer to Notice of Opposition (The Power of I Squared).pdf ( 4 pages )(64617 bytes )

Certificate of Mailing

I hereby certify that this correspondence is being transmitted via the U.S. Patent and Trademark Office electronic filing system to the USPTO on August 20, 2012.

/Anthony P. Luisi/  
Anthony P. Luisi, Esq.

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

-----X  
inome, inc.,  
a Delaware corporation,  
  
Opposer,  
  
v.  
ORC International, Inc.,  
a Delaware corporation,  
  
Applicant.  
-----X

Opposition No. 91206063  
Mark: The Power of I<sup>2</sup>  
Serial No. 85/471,797  
Filed: November 14, 2011  
Published: June 12, 2012

Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202-3514

Attn: Trademark Trial and Appeal Board

ANSWER TO NOTICE OF OPPOSITION

Applicant, ORC International, Inc. (“Applicant”), by its attorneys, Cuddy & Feder LLP, hereby submits its Answer to the Notice of Opposition filed by inome, inc. (“Opposer”), with respect to Application Serial No. 85/471,797 for the “THE POWER OF I<sup>2</sup>” word mark published on June 12, 2012, as follows, with the following numbered Paragraphs corresponding to the numbers of the Paragraphs in Opposer’s Notice of Opposition:

1. Applicant lacks sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 1, and therefore denies same.

2. Applicant admits the records of the U.S. Patent and Trademark Office (“USPTO”) show Opposer as the owner of a certain application for a word mark POWER OF I for the specified goods and/or services. Applicant lacks sufficient knowledge or information to form a belief as to the remainder of the allegations contained in Paragraph 2, and therefore denies same.

3. Applicant admits the records of the USPTO show that a notice of allowance was issued for Opposer’s application on May 15, 2012. Applicant lacks sufficient knowledge or information to form a belief as to the remainder of the allegations contained in Paragraph 3, and therefore denies same.

4. Applicant admits the allegations in Paragraph 4.

5. Applicant admits Opposer’s filing date for its application for the word mark POWER OF I is earlier than Applicant’s filing date for its application for the mark THE POWER OF I<sup>2</sup>. Applicant denies the remainder of the allegations in Paragraph 5.

6. Applicant admits Opposer’s filing date for its application for the word mark POWER OF I is earlier than Applicant’s alleged first use date in commerce for the mark THE POWER OF I<sup>2</sup>. Applicant denies the remainder of the allegations in Paragraph 6.

7. Applicant denies the allegations in Paragraph 7.

8. Applicant denies the allegations in Paragraph 8.

9. Applicant denies the allegations in Paragraph 9.

10. Applicant denies the allegations in Paragraph 10.

11. Applicant denies the allegations in Paragraph 11.

12. Applicant denies the allegations in Paragraph 12.

13. Applicant denies the allegations in Paragraph 13.

FIRST AFFIRMATIVE DEFENSE

1. Opposer's claims are barred, in whole or in part, to the extent there exists no likelihood of confusion between the marks at issue.

SECOND AFFIRMATIVE DEFENSE

2. Applicant hereby gives notice that it may rely on any other defenses and/or counterclaims that may become available or appear proper during discovery, and hereby reserves its right to amend this Answer to assert any such defenses and/or counterclaims.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be rejected and that Applicant's application be allowed to proceed to registration in its entirety.

Respectfully submitted,

ORC INTERNATIONAL, INC.

Dated: August 20, 2012

By: /Anthony P. Luisi/  
Anthony P. Luisi, Esq.  
Cuddy & Feder LLP  
445 Hamilton Avenue, 14th Floor  
White Plains, New York 10601  
Tel: (914) 761-1300  
Fax: (914) 761-5372  
*Attorneys for Applicant*

CERTIFICATE OF SERVICE

I hereby certify that on August 20, 2012, a copy of the foregoing Answer to Notice of Opposition to Application Serial No. 85/471,797 was served by the undersigned upon Opposer, by FedEx delivery, postage prepaid, addressed as follows:

Parna A. Mehrbani, Esq.  
Lane Powell P.C.  
601 SW Second Avenue  
Suite 2100  
Portland, Oregon 97204

/Anthony P. Luisi/  
Anthony P. Luisi, Esq.