

ESTTA Tracking number: **ESTTA556325**

Filing date: **08/27/2013**

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

Proceeding	91207517
Party	Defendant EYE SEE Courtesy Glasses
Correspondence Address	ANTHONY PINIZZOTTO ANTHONY PINIZZOTTO PA 3959 S NOVA ROAD, SUITE 23 PORT ORANGE, FL 32127 UNITED STATES tpinizzotto@gmail.com
Submission	Answer
Filer's Name	Anthony Pinizzotto
Filer's e-mail	tpinizzotto@gmail.com
Signature	/Anthony Pinizzotto/
Date	08/27/2013
Attachments	Applicant's Answer to Second Amended Notice of Opposition.pdf(112915 bytes )

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

In Re Trademark Appln. )  
Serial No. 85092577 )  
Filed: July 26, 2010 )  
Published in the Official Gazette )  
of June 19, 2012 )  
Mark: EYE SEE (design plus words) )  
Class: INT. 09 )

ic! berlin brillen GmbH, )  
and )  
Ralph Anderl )  
 )  
Opposers ) Opposition No. 91207517  
 )  
v. )  
 )  
EYE SEE Courtesy Glasses )  
 )  
Applicant )  
 )  
\*  

---

APPLICANT'S ANSWER TO OPPOSERS' SECOND AMENDED NOTICE OF  
OPPOSITION

Applicant, EYE SEE Courtesy Glasses, by and through its undersigned attorney, hereby answers Opposers, ic! berlin brillen GmbH , and Ralph Anderl's Second Amended Notice of Opposition as follows:

1. Applicant is without knowledge of the allegations set forth in Paragraphs 1 through 4, inclusive and therefore, denies the same.

2. With regard to the allegations set forth in Paragraph 5, Applicant admits that on July 26, 2010, Applicant filed an application with the United States Patent and Trademark Office for “EYE SEE” design plus words, assigned Serial No. 85092577 in Class 09, for “eye glasses and magnifying glasses. Applicant denies the remainder of the allegations set forth in Paragraph 5.

3. With regard to the allegations set forth in Paragraph 6, Applicant admits that Applicant’s application indicates a filing date for Applicant’s proposed mark of July 26, 2010. Applicant denies the remainder of the allegations set forth in said Paragraph 6.

4. Applicant denies the allegations set forth in Paragraph 7. Applicant’s proposed mark and Opposers’ marks are not similar in sight. Applicant’s proposed mark includes a character holding a pair of eye glasses, while Opposers’ marks do not. In addition, Opposers’ marks include an exclamation point, which distinguishes it from Applicant’s proposed mark. The exclamation point conveys a unique message to consumers, which is different than the message that Applicant’s proposed mark would convey to consumers.


5. With regard to the allegations set forth in Paragraph 8, Applicant admits that the “EYE SEE” mark proposed for registration by Applicant is similar, but not identical, in sound to Opposers’ marks. Applicant denies the remainder of the allegations set forth in Paragraph 8 for the reasons set forth in paragraph 4, above.

6. Applicant denies the allegations set forth in Paragraphs 9 through 13, inclusive for the reasons set forth in paragraph 4, above.

7. Applicant denies the allegations set forth in Paragraphs 14 and 15, inclusive.

WHEREFORE, Applicant respectfully requests that Opposers' Second Amended Notice of Opposition be rejected and that Applicant's mark be allowed to proceed to registration.

Respectfully submitted,

  
Anthony Pinizzotto  
Florida Bar No. 168777  
Anthony Pinizzotto, P.A.  
3959 S. Nova Road, Suite 23  
Port Orange, Florida 32127  
Tel No: (386) 846-1489  
Fax No: (386) 767-8719  
tpinizzotto@gmail.com  
Attorney for Applicant

**CERTIFICATE OF SERVICE**

I hereby certify that on August 27, 2013, I caused a copy of the foregoing Answer to Opposers' Second Amended Notice of Opposition to be served upon the following person(s) by U.S. mail, first class postage prepaid, and e-mail as indicated below:

Teresa C. Tucker, Esq.  
Grossman, Tucker, Perreault & Pflieger, PLLC  
55 S. Commercial Street  
Manchester, NH 03101  
ttucker@gtp.com

  
Anthony Pinizzotto  
Attorney for Applicant