

ESTTA Tracking number: **ESTTA526435**

Filing date: **03/13/2013**

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


Proceeding	91208630
Party	Plaintiff International General Management of Orlando L.L.C.
Correspondence Address	PETER GOLDMAN INTERNATIONAL GENERAL MANAGEMENT OF ORLANDO LLC GATOR BLINDS, 1175 ACADEMY DRIVE ALTAMONTE SPRINGS, FL 32714 UNITED STATES info@gatorblinds.com
Submission	Answer to Counterclaim
Filer's Name	Allison R. Imber
Filer's e-mail	aimber@addmg.com, adoppelt@addmg.com
Signature	/Allison R. Imber/
Date	03/13/2013
Attachments	Opposer's Answer and Affirmative Defenses to Counterclaim for Cancellation.pdf (4 pages)(33350 bytes)

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

INTERNATIONAL GENERAL)
MANAGEMENT OF ORLANDO, LLC,)
)
Opposer/Respondent,)
)
v.)
) Opposition No. 91208630
) U.S. Application No. 85/640,899
SHUTTERUP.COM FLORIDA, INC.,) U.S. Trademark Reg. No. 3,855,551
)
Applicant/Petitioner.)
)
)
)

**OPPOSER’S ANSWER AND AFFIRMATIVE DEFENSES
TO COUNTERCLAIM FOR CANCELLATION**

Opposer International General Management of Orlando, LLC (“IGM”), through its undersigned counsel, hereby submits its Answer and Affirmative Defenses to the Counterclaim for Cancellation (“Counterclaim”) filed by Applicant Shutterup.com Florida, Inc. (“Shutterup.com”). IGM denies that Shutterup.com will be harmed by the continued registration

on the Principal Register of Respondent’s mark, , U.S. Trademark Registration No. 3,855,551 (“the ’551 Registration”) for “interior window Poly shutter with aluminum core,” and in support of its continued registration, states as follows:

1. IGM admits that it filed U.S. Application Serial No. 77/780,187 (“the ’187 Application”) on July 14, 2009, and that this application matured into the ’551 Registration on October 5, 2010. IGM submits that the ’187 Application and the ’551 Registration speak for themselves as to their contents.

2. IGM submits that the ’187 Application speaks for itself as to its contents.

3. IGM submits that the '187 Application and its prosecution history speak for themselves as to their contents.

4. IGM submits that the '187 Application's prosecution history speaks for itself as to its contents.

5. IGM submits that the '187 Application's prosecution history speaks for itself as to its contents.

6. Denied.

7. Denied.

8. Denied.

9. Denied.

10. Denied.

11. IGM denies each and every allegation not expressly admitted herein.

IGM denies that Shutterup.com is entitled to any relief, including but not limited to cancellation of the '551 Registration.

AFFIRMATIVE DEFENSES

1. Shutterup.com has failed to state a claim upon which relief can be granted.

2. Shutterup.com and/or Shutterup.com's alleged mark are not likely to be damaged or harmed by the continued registration of the '551 Registration.

3. IGM was using its mark in interstate commerce at the time the '187 Application was filed, and established use of its mark to the satisfaction of the Trademark Examining Attorney, who determined that the registration should issue.

WHEREFORE, IGM respectfully requests that the Counterclaim be dismissed with prejudice, and such other relief as the Board deems just and proper.

Dated: March 13, 2013

Respectfully Submitted,

/s/ Allison R. Imber

Ava K. Doppelt, Esq.

Allison R. Imber, Esq.

Allen, Dyer, Doppelt, Milbrath
& Gilchrist, P.A.

255 South Orange Avenue

Orlando, FL 32801

Tel: (407) 841-2330

Fax: (407) 841-2343

adoppelt@addmg.com

aimber@addmg.com

**Attorneys for Opposer/Respondent
International General
Management of Orlando, LLC**

Certificate of Service

The undersigned hereby certifies that on this 13th day of March, 2013, a copy of the foregoing was served via email and first class mail, postage prepaid, on the following:

Edward Livingston, Esq.
Bryan Loeffler, Esq.
Erica Loeffler, Esq.
The Livingston Firm
963 Trail Terrace Drive
Naples, Florida 34103-2329
ell@thelivingstonfirm.com
tlf@thelivingstonfirm.com
eml@thelivingstonfirm.com

**Attorneys for Applicant/Petitioner
Shutterup.com Florida, Inc.**

*/Michel Rodriguez/*_____