

ESTTA Tracking number: **ESTTA588044**

Filing date: **02/19/2014**

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

Proceeding	91214478
Party	Defendant Fortis Energy Services, Inc.
Correspondence Address	JULIE E. KRETZSCHMER HONIGMAN MILLER SCHWARTZ AND COHN LLP 39400 WOODWARD AVE STE 101 BLOOMFIELD HILLS, MI 48304-5151 tmdocketing@honigman.com
Submission	Answer
Filer's Name	Julie E. Reitz (Kretzschmer)
Filer's e-mail	tmdocketing@honigman.com, jreitz@honigman.com
Signature	/Julie E. Reitz/
Date	02/19/2014
Attachments	Answer 2-19-2014.pdf(24695 bytes)

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

Fortis, Inc <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> Fortis Energy Services, Inc. <p style="text-align: center;">Applicant.</p>	Opposition No. 91214478 Serial No. 85/868,112
----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------------------

Thompson Hine LLP
Attorneys for Opposer
By: Theodore D. Lienesch
Suite 400, 10050 Innovation Drive
Miamisburg, OH 45345
(937) 443-6958
docket@thompsonhine.com
ted.lienesch@thompsonhine.com

HONIGMAN MILLER SCHWARTZ AND COHN LLP
Attorneys for Applicant
By: Julie E. Reitz (Kretzschmer), Brian D. Wassom
39400 Woodward Ave., Suite 101
Bloomfield Hills, MI 48304
(248) 566-8530
tmdocketing@hongiman.com,
jreitz@honigman.com

ANSWER AND AFFIRMATIVE DEFENSES TO NOTICE OF OPPOSITION

Applicant Fortis Energy Services, Inc. (“Applicant”), by its attorneys Honigman Miller Schwartz and Cohn LLP, for its Answer to the Notice of Opposition (“Notice”) filed by Opposer Fortis, Inc. (“Opposer”), says:

1. Applicant denies that the Opposer will be damaged by the registration of the mark FORTIS ENERGY SERVICES, application Serial No. 85868112.
2. Applicant has insufficient information with which to admit or deny these allegations.
3. Applicant has insufficient information with which to admit or deny this allegation.
4. Applicant has insufficient information with which to admit or deny these allegations.
5. Admitted upon information and belief.
6. Applicant has insufficient information with which to admit or deny these allegations.

7. Applicant has insufficient information with which to admit or deny these allegations.
8. Applicant has insufficient information with which to admit or deny these allegations.
9. Admitted.
10. Admitted as to the application and the allegation of use in application.
11. Applicant has insufficient information with which to admit or deny these allegations.
12. Admitted.
13. Denied.
14. Denied.
15. Denied.
16. Denied.
17. Denied.
18. Denied.

Wherefore, Applicant respectfully requests that this Opposition be dismissed with prejudice, that judgment be entered in Applicant's favor, and that the application at issue be allowed.

Affirmative Defenses

1. The Notice fails to state a claim on which relief may be granted.
2. Opposer lacks standing to bring this Opposition.
3. Opposer has no rights in any trademark that is confusingly similar with the mark for which Applicant seeks registration (the "Applicant's Mark").
4. There is no likelihood of confusion between the Applicant's Mark and any mark owned by Opposer.
5. The Applicant's Mark and any mark owned by Opposer are used in dissimilar marketing and trade channels.
6. There has been no actual confusion in the relevant marketplace between the Applicant's Mark and any mark owned by Opposer.

7. Applicant's and Opposer's consumers are highly sophisticated.
8. Applicant's claims are barred by waiver, estoppel and/or laches.
9. Any mark owned by Opposer is weak and not entitled to a broad scope of protection.
10. Applicant reserves the right to assert additional Affirmative Defenses as this case progresses.

HONIGMAN MILLER SCHWARTZ AND COHN LLP

Dated: February 19, 2014

By: /s/ Julie E. Reitz

Julie E. Reitz (Kretzschmer)
Brian D. Wassom
Attorney for Applicant
39400 Woodward Ave., Suite 101
Bloomfield Hills, MI 48304
(248) 566-8530
tmdocketing@hongiman.com
jreitz@honigman.com

CERTIFICATE OF FILING AND SERVICE

I certify that on February 19, 2014, I filed a copy of the foregoing document with the Board via the ESTTA system, and served a copy on opposing counsel by U.S. Mail at the following address:

Thompson Hine LLP
Theodore D. Lienesch
Suite 400, 10050 Innovation Drive
Miamisburg, OH 45345
(937) 443-6958
docket@thompsonhine.com
ted.liensch@thompsonhine.com

By: /s/ Julie E. Reitz