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

Proceeding	91237719
Party	Defendant Maxtech Consumer Products Limited
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Date	12/16/2017
Attachments	oppose.pdf(285884 bytes )

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

In the matter of Application Serial No.87242067; IMAX; Published in the  
Official Gazette of 2017.10.10.

IMAX CORPORATION, )  
 )  
 Opposer, ) )  
 v. ) Opposition No. 91237719 )  
 )  
 MAXTECH CONSUMER PRODUCTS LIMITED ) MARK:  
 Applicant ) IMAX

**ANSWER TO NOTICE OF OPPOSITION**

The following is the Answer of Applicant Maxtech Consumer Products Limited, ("Applicant"), owner of Federal Trademark Application Serial No. 87242067 for the mark IMAX, to the Opposition of Opposer IMAX Corporation ("Opposer") filed on Nov. 2, 2017 and assigned Opposition No. 91237719 to Application, as follows:

1. Applicant is without sufficient information or belief to admit or deny the allegations contained in Paragraph 1 through 30 of Opposer's Notice of Opposition and therefore in an abundance of caution denies the allegations contained therein.

FURTHERMORE, Applicant sets forth the following in support of its position:

2. Applicants' mark and Opposer's mark create different commercial impressions.

3. "MAX" is a common term in relation to describing relative product benefits.

4. Applicant's mark and Opposer's mark are not likely to cause confusion, mistake or deception to purchasers as to the source of Opposer's goods or services.

5. Applicant's products and Opposer's products and services are not marketed through the same channels of trade.

6. Applicant does not have any business related to photography or projection of film or any other business in which Opposer is engaged.

7. Applicant's mark is not likely to dilute the mark of Opposer.

8. Applicant's mark and Opposer's mark are not likely to disparage or falsely suggest a trade connection between Opposer and Applicant.

9. "IMAX" was derived from Maxtech's first company ("MAXI-FLOW"). Only difference from Maxtech's first Company ("MAXI-FLOW") is that "I" is the first letter of IMAX versus last letter of MAXI-FLOW.

10. "MAX" is also a common name used by Stanley for its FATMAX brands, BLACKMAX by TTI for its compressor brands etc. BLACKMAX is used by Maxtech for Hand Tools and SPADEMAX by Maxtech for its Spade bits.

WHEREFORE, Applicant request that the Trademark Trial and Appeal Board deny the Opposition and permit registration of Applicant's proposed mark in Application Serial Number be registered in the United States Patent and Trademark Office.

Dated: Dec. 12, 2017

Respectfully Submitted,  
Kailash C. Vasudeva  
CEO of Maxtech Consumer Products Limited,

By:  \_\_\_\_\_