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

Proceeding	91242008
Party	Defendant APPOTRONICS CORPORATION LIMITED
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Submission	Answer
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Date	07/30/2018
Attachments	TTAB_Answer_WeMax.pdf(83543 bytes)

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

IMAX Corporation)	
)	
Opposer,)	
)	
v.)	
)	Opposition No. 91242008
Appotronics Corporation Limited)	Application No. 87728711
)	Mark: WeMAX (stylized)
Applicant)	
)	
)	
)	
)	

ANSWER TO NOTICE OF OPPOSITION

Applicant, Appotronics Corporation Limited, a limited corporation of China, by its attorneys hereby responds to the allegations set forth in the Notice of Opposition filed by Opposer, IMAX Corporation, as follows:

1. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 1 of the Notice of Opposition, and therefore, denies said allegations.
2. Applicant admits that the U.S. Patent and Trademark Office Database, TESS, identifies IMAX Corporation as the registrant for Registration nos. 942747, 2857685, 1283679, 2121078, 3965737, 5215314, 2197111, 2263032, 3058603, 2871953, and 1655809 for the goods and services identified in the Notice of Opposition paragraph 2(a)-(k). Applicant admits that the TESS database indicates that a Section 15 declaration was filed for registration nos. 0942747, 1283679, 2197111, 2263032, 2121078, 2871953, 2857685, 3058603, and 3965737. Applicant denies that a Section 15 declaration was filed for registration no. 1655809. Moreover, Applicant

has insufficient knowledge or information as to the truth of the remainder of the allegations set forth in Paragraph 2 of the Notice of Opposition, and therefore, denies said remainder.

3. Applicant admits that the TESS database identifies IMAX Corporation as the applicant for serial no. 86524430, and the owner of application no. 87104707. Applicant has insufficient knowledge or information as to the truth of the remainder of the allegations set forth in Paragraph 3 of the Notice of Opposition, and therefore, denies said allegations.

4. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 4 of the Notice of Opposition, and therefore, denies said allegations.

5. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 5 of the Notice of Opposition, and therefore, denies said allegations.

6. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 6 of the Notice of Opposition, and therefore, denies said allegations.

7. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 7 of the Notice of Opposition, and therefore, denies said allegations.

8. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 8 of the Notice of Opposition, and therefore, denies said allegations.

9. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 9 of the Notice of Opposition, and therefore, denies said allegations.

10. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 10 of the Notice of Opposition, and therefore, denies said allegations.

11. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 11 of the Notice of Opposition, and therefore, denies said allegations.

12. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 12 of the Notice of Opposition, and therefore, denies said allegations.

13. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 13 of the Notice of Opposition, and therefore, denies said allegations.

14. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 14 of the Notice of Opposition, and therefore, denies said allegations.

15. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 15 of the Notice of Opposition, and therefore, denies said allegations.

16. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 16 of the Notice of Opposition, and therefore, denies said allegations.

17. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 17 of the Notice of Opposition, and therefore, denies said allegations.

18. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 18 of the Notice of Opposition, and therefore, denies said allegations.

19. Applicant admits that it filed application no. 87728711 to register the mark WeMAX (stylized) for Applicant's Goods. Applicant denies that there is a design feature or that the stylized wording was all in capital letters

GROUND I: LIKELIHOOD OF CONFUSION

20. Applicant incorporates by reference the responses to the allegations in paragraphs 1-19.

21. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 21 of the Notice of Opposition, and therefore, denies said allegations.

22. Denied. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 22 as to “unauthorized use of Opposer’s IMAX” on the website www.cfgappo.com.cn because Opposer has not included an exhibit in the Notice of Opposition and reaches a legal conclusion rather than making an allegation of fact. Accordingly, Applicant denies said allegation.

23. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 23 of the Notice of Opposition because Opposer does not specify particular goods to which it refers, and therefore, denies said allegations. Applicant admits that its goods are classified in international class 009, but submits that classification is irrelevant.

24. Denied

25. Denied

GROUND II: DILUTION

26. Applicant incorporates by reference the responses to the allegations in paragraphs 1-25.

27. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 27 of the Notice of Opposition, and therefore, denies said allegations.

28. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 28 of the Notice of Opposition, and therefore, denies said allegations.

29. Denied.

30. Denied.

31. Paragraph 31 makes no allegation. Applicant therefore denies the statement made in paragraph 31.

32. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 32 of the Notice of Opposition, and therefore, denies said allegations.

AFFIRMATIVE DEFENSES

1. Opposer has failed to state a claim upon which relief can be granted.
2. Opposer's trademark is diluted, weak, or otherwise entitled to only a narrow scope of protection.

WHEREFORE, Applicant requests that Opposer's Notice of Opposition be dismissed.

Respectfully Submitted,

Dated as of: July 31, 2018

By: _____/john alumit/_____
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Appotronics Corporation Limited

PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing **ANSWER TO THE NOTICE OF OPPOSITION** has been served on Christopher P. Bussert, Esq., counsel for Opposer on July 31, 2018, via email at the following email addresses:

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aweeks@ktslaw.com

_____/john alumit/_____
