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

Proceeding	91245790
Party	Defendant Scott Electronics, Inc.
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Submission	Answer
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Date	03/22/2019
Attachments	Answer SCOTT ELECTRONICS INC.pdf(18973 bytes)

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

SCHOTT AG)	
)	
)	
Opposer,)	
)	
v.)	Opposition No.: 91245790
)	
SCOTT ELECTRONICS, INC.)	
)	
Applicant.)	
)	
)	

**ANSWER AND STATEMENT OF AFFIRMATIVE DEFENSE
TO NOTICE OF OPPOSITION**

Applicant, Scott Electronics, Inc., having its official business address at 5 Industrial Way, Unit 2D, Salem, New Hampshire 03079, by and through its attorneys, hereby answers the Notice of Opposition and submits the following Statement of Affirmative Defense.

ANSWER

1. Answering the allegations contained in paragraph 1, Applicant admits the Opposer has obtained three U.S. federal trademark registrations, but it denies all other allegations in paragraph 1 because it lacks sufficient information to form a belief as to the truth of the allegations.

2. Applicant denies the allegations in paragraph 2 because it lacks sufficient information to form a belief as to the truth of the allegations.

3. Applicant denies the allegations in paragraph 3 because it lacks sufficient information to form a belief as to the truth of the allegations.

4. Applicant denies the allegations in paragraph 4 because it lacks information to form a belief as to the truth of the allegations.

5. Applicant admits it filed an application on November 7, 2017 for the mark SCOTT ELECTRONICS, INC (plus design). Applicant denies all other allegations in paragraph 5.

6. Applicant denies the allegations in paragraph 6.

7. Applicant admits it uses a stylized “O” in the word SCOTT as part of its Mark. Applicant denies all other allegations in paragraph 7.

8. Applicant admits it disclaims the terms “Electronics, Inc.” in its application. It denies all other allegations in paragraph 8.

9. Applicant admits Opposer has identified the description of goods in Applicant’s application. Applicant denies all other allegations in paragraph 9.

10. Applicant denies the allegations in paragraph 10.

11. This numbered paragraph is a prayer for relief. To the extent an answer is required, Applicant denies the relief requested by Opposer in paragraph 11.

12. This numbered paragraph recites payment for filing the Notice of Opposition. To the extent an answer is required, Applicant lacks personal knowledge sufficient to admit or deny the allegation in paragraph 12 and, therefore, it is denied.

STATEMENT OF AFFIRMATIVE DEFENSE

Applicant asserts the following affirmative defense to Opposers' Notice of Opposition:

Affirmative Defense No. 1

Applicant already holds a federal registration for SCOTT ELECTRONICS INC. (plus design) (U.S. Reg. No. 2,334,611) (the "'611 Mark"), which issued on March 28, 2000 and is senior to all federally registered marks asserted by Opposer. The '611 Mark is substantially similar to, and conveys the same commercial impression as, the Applicant's proposed trademark. Accordingly, the Applicant holds priority over Opposer to use its proposed mark. Alternatively, it is inequitable for Opposer to oppose the Applicant's proposed mark when the Applicant already holds the '611 Mark, which conveys the same commercial impression as the proposed mark and is senior to Opposer's marks.

* * * *

WHEREFORE, Applicant requests that Opposer's Notice of Opposition be dismissed and judgment enter in favor of Scott Electronics, Inc.

Dated: March 22, 2019

SCOTT ELECTRONICS, INC.

By its Attorneys,

CULLENCOLLIMORE, PLLC

/Jonathan M. Shirley/

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Attorney for Applicant

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing Answer and Statement of Affirmative Defense was served upon Opposer's counsel on March 22, 2019, via email, at the following address:

Edward P. Kelly
Tiajolloff & Kelly LLP
405 Lexington Ave., Chrysler Building 37th Floor
New York, NY 10174
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and further certify that the aforementioned Answer and Statement of Affirmative Defense was filed with the Trademark Trial and Appeal Board on the date indicated below through the ESTTA system of the United States Patent and Trademark Office.

Dated: March 22, 2019

CULLENCOLLIMORE, PLLC

By: / Jonathan M. Shirley /
Jonathan M. Shirley
Attorney for Applicant