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

Proceeding	91254173
Party	Defendant Shenzhen Bao'an PuRuiCai Electronic Firm Limited Company
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Date	05/26/2020
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of:

Application Serial No. 88/622,245

Publication Date: January 21, 2020

Mark: IMAXCAN

IMAX CORPORATION

Opposer

v.

SHENZHEN BAO'AN PURUICAI
ELECTRIC FIRM LIMITED

Applicant.

Opposition No. 91254173

**APPLICANT'S/ COUNTERCLAIM PLAINTIFF'S NON-OPPOSITON TO
OPPOSER'S/COUNTERCLAIM DEFENDANT'S FRCP 12(b)(6) MOTION TO DISMISS**

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INTRODUCTION

Comes now, Shenzhen Bao'an Puruicai Electric Firm Limited ("BPE"), by and through their attorneys of Record at Bayramoglu Law Offices LLC and files this non-opposition to Imax Corporation's ("IC") Motion to Dismiss certain counterclaims.

BACKGROUND FACTS

On February 19, 2020 IC filed the present opposition against BPE's application for IMAXCAM in class 007 and 009 under application number 88622245. On March 30, 2020, BPE filed an answer and counterclaims to cancel two of IC's Registrations, namely, 942,747, and 5,681,124. On May 8, 2020, IC filed a motion to dismiss the counterclaims as to registration 942, 747.

ARGUMENT

The May 8, 2020 motion to dismiss is specifically targeted towards the first counterclaim (i.e. the cancellation of registration 942,747). BPE hereby does not oppose the motion to dismiss as it relates to the first counterclaim. BPE respectfully requests that the Board dismiss BPE's first counterclaim and leave BPE's second counterclaim as it relates to the cancellation of 5,681,124 intact. Since the filed motion (TTABVUE 8) does not request relief of dismissal as to the second counterclaim, BPE further requests that the Board order IC to answer the remaining counterclaim within two weeks of the Board's order on the present motion to dismiss.

CONCLUSION

For the foregoing reasons, BPE requests that its first counterclaim as to the 942,747 registration be dismissed and that the remaining counterclaim as to 5,681,124 registration remain for IC to answer.

Dated: May 26, 2020

Respectfully Submitted,

By: /s/ Nihat Deniz Bayramoglu
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CERTIFICATE OF SERVICE

I, Nihat Deniz Bayramoglu, hereby certified that a true correct copy of the foregoing
APPLICANT'S/ COUNTERCLAIM PLAINTIFF'S NON-OPPOSITON TO
OPPOSER'S/COUNTERCLAIM DEFENDANT'S FRCP 12(b)(6) MOTION TO DISMISS
was served upon Opposer by email on this day of May 26, 2020 at the following address:

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