

ESTTA Tracking number: **ESTTA1393684**Filing date: **11/04/2024**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	91286368
Party	Defendant ECI Software Solutions Limited
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Date	11/04/2024
Attachments	ECI - Answer to Notice of Opposition of US App. No. 97393104- ECOMMON SENSE Mark.pdf(147808 bytes )

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

In the matter of U.S. Application No. 97393104  
For the Trademark ECOMMONSENSE  
Filed on May 3, 2022

Comsense, Inc.,

Opposer,

v.

ECI Software Solutions Limited,

Applicant.

Opposition No. 91286368

**ANSWER TO NOTICE OF OPPOSITION**

Applicant ECI Software Solutions Limited (“ECI” or “Applicant”), by and through its attorneys, hereby answers the Notice of Opposition (“Notice”) filed by Comsense, Inc. (“Opposer” or “Comsense”) concerning the application for the ECOMMONSENSE mark (“Applicant’s Mark”), Application No. 97/393,104 (the “Application”), as follows.

Unless specifically admitted, ECI denies each of the allegations in the Notice. In particular, ECI denies any allegation that Opposer is harmed or will be further damaged or injured by the registration of the ECOMMONSENSE mark.

1. ECI lacks sufficient information to admit or deny the allegations contained in Paragraph 1 and, on that basis, denies them.

2. ECI lacks sufficient information to admit or deny the allegations contained in Paragraph 2 and, on that basis, denies them.

3. ECI lacks sufficient information to admit or deny the allegations contained in Paragraph 3 and, on that basis, denies them.

4. ECI admits that the U.S. Patent and Trademark Office (“USPTO”) Trademark Status & Document Retrieval (“TSDR”) records currently identify Opposer as the registrant of U.S. Registration No. 3,431,813 issued on May 20, 2008 in connection with “Computer software in the construction field for the distribution of windows, doors, window hardware and door hardware”; “Training in the use and operation of computer software in the construction field for the distribution of windows, doors, window hardware and door hardware”; and “Technical support, namely, trouble shooting computer software problems in the use and operation of computer software in the construction field for the distribution of windows, doors, window hardware and door hardware.” ECI admits that Exhibit A of the Notice appears to include a copy of the USPTO Trademark Electronic Search System (“TESS”) status pages for Registration No. 3,431,813. The remaining allegations assert legal conclusions and argument to which no response is required. To the extent that a response is required, ECI denies the remaining allegations in Paragraph 4.

5. ECI admits the allegations in Paragraph 5.

6. The allegations in Paragraph 6 assert legal conclusions to which no response is required. To the extent that a response is require, ECI denies the allegations in Paragraph 6.

7. ECI lacks sufficient information to admit or deny the allegations contained in Paragraph 7 and, on that basis, denies them.

8. ECI denies the allegations in Paragraph 8.

9. The allegations in Paragraph 9 assert legal conclusions to which no response is required. To the extent that a response is require, ECI denies the allegations in Paragraph 9.

10. ECI denies that the services identified in the Application for Applicant’s Mark are similar to the goods and services identified in Registration No. 3,431,813 for the COMSENSE mark. ECI lacks sufficient information to admit or deny the remaining allegations contained in

Paragraph 10 and, on that basis, denies them.

11. ECI lacks sufficient information to admit or deny the allegations contained in Paragraph 11 and, on that basis, denies them.

12. ECI denies the allegations in Paragraph 12.

13. ECI denies the allegations in Paragraph 13.

14. The allegations in Paragraph 14 assert legal conclusions and arguments to which no response is required. To the extent that a response is required, ECI denies the allegations in Paragraph 14.

**WHEREFORE**, ECI having fully answered each and every allegation respectfully requests that the Trademark Trial & Appeal Board dismisses this Notice with prejudice.

Respectfully submitted,

Date: November 4, 2024

*/Colleen Wellington-Caban/*

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*Counsel for Applicant ECI Software Solutions Limited*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** was served on Opposer Comsense, Inc., on the date set forth below by mailing said copy via electronic mail, to Opposer and Opposer's counsel at the address of record set forth below.

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Date: November 4, 2024

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