

ESTTA Tracking number: **ESTTA398773**

Filing date: **03/18/2011**

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

Proceeding	91198492
Party	Defendant Rassas, Mark A.
Correspondence Address	RASSAS, MARK A. 120 S 2ND ST CLARKSVILLE, TN 37040-3484 rassaslaw@aol.com
Submission	Answer and Counterclaim
Filer's Name	Maria v. Hardison
Filer's e-mail	maria@tassan.com
Signature	/mvh/
Date	03/18/2011
Attachments	RassasAns.pdf (15 pages)(310737 bytes)

Registrations Subject to the filing

Registration No	3285044	Registration date	08/28/2007
Registrant	C.J. Advertising, LLC Suite 500 209 Tenth Avenue South Nashville, TN 372034101 UNITED STATES		

Goods/Services Subject to the filing

Class 035. First Use: 2003/05/19 First Use In Commerce: 2003/05/19
All goods and services in the class are requested, namely: Advertising agency services directed to law firms

Registration No	3688122	Registration date	09/29/2009
Registrant	C.J. Advertising, L.L.C. Suite 500 209 Tenth Avenue South Nashville, TN 372034101 UNITED STATES		

Goods/Services Subject to the filing

Class 045. First Use: 2003/05/19 First Use In Commerce: 2003/05/19
All goods and services in the class are requested, namely: Legal services

**ANSWER TO NOTICE OF OPPOSITION
AND COUNTERCLAIM PETITION FOR CANCELLATION**

COMES NOW Applicant, Mark A. Rassas, and answers Opposer's correspondingly numbered paragraphs of its Notice of Opposition in the above-noted proceeding.

1. Admitted.

2. Admitted.

3. Opposer is without sufficient information or knowledge to either admit or deny the averments and, therefore, denies them.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted.

9. Admitted.

10. Opposer is without sufficient information or knowledge to either admit or deny the averments and, therefore, denies them.

16. Denied.
17. Denied.
18. Denied.
19. Denied.
20. Denied.
21. Denied.
22. Denied.
23. Admitted.
24. Denied.

WHEREFORE, Applicant requests that Opposer's opposition be dismissed with prejudice.

PETITION FOR CANCELLATION

In the matter of Registration Nos. 3,285,044 and 3,688,122, issued to CJ Advertising, L.L.C., Applicant believes that it is and will be damaged by the registrations and petitions to cancel them.

The grounds for cancellation are as follows:

1. Opposer has opposed Applicant's application no. 77/966,918.

to use of the registered marks by others.

5. Opposer has allowed naked and uncontrolled use of the registered marks and, therefore, has abandoned them without an intent to resume use. In support thereof, Applicant incorporates by reference paragraphs 6 through 22 of Exhibit A. See also *Invision Production & Media Services, Inc. v. Glen J. Lerner Legal Services*, No. 07-15778, D.C. No. CV-01-00858-JCM/LRL, U.S. Ct of App., 9th Circuit.

6. Neither of the registered marks are likely to cause confusion with the mark in Application No. 77/966,918 because they are not similar in sound, meaning, commercial connotation, or appearance.

7. The services in Applicant's application are not the same or related to those in Registration No. 3,285,044 and, therefore, not likely to cause confusion between the parties respective marks.

8. The registered marks of opposer do not function as marks but are merely the name of an advertising campaign for third parties to use.

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