

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

In the matter of Application Serial No. 76/079,893

Published in the Official Gazette on May 22, 2001



11-21-2001

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #58

ADEPTIS, INC.

Opposer,

v.

ADEPTIA, INC.

Applicant.

Opposition No. 91150160

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ANSWER OF APPLICANT ADEPTIA, INC.

COMES NOW Applicant Adeptia, Inc., by and through undersigned counsel, pursuant to 37 C.F.R. 2.106, and answers as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 1 of the Opposition, and on that basis denies such allegations.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 2 of the Opposition, and on that basis denies such allegations.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 3 of the Opposition, and on that basis denies such allegations.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 4 of the Opposition, and on that basis denies such allegations.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 5 of the Opposition, and on that basis denies such allegations.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 6 of the Opposition, and on that basis denies such allegations.

7. Applicant denies the allegations contained in paragraph 7 of the Opposition.

8. Applicant re-alleges and incorporates by reference its answers to paragraphs 1 - 7 of the Opposition as if fully set forth herein.

9. Applicant denies the allegations contained in paragraph 9 of the Opposition.

10. Applicant denies the allegations contained in paragraph 10 of the Opposition.

11. Applicant denies the allegations contained in paragraph 11 of the Opposition.

12. Applicant denies the allegations contained in paragraph 12 of the Opposition.

13. Applicant re-alleges and incorporates by reference its answers to paragraphs 1 - 12 of the Opposition as if fully set forth herein.

14. Applicant denies the allegations contained in paragraph 14 of the Opposition.

15. Applicant denies the allegations contained in paragraph 15 of the Opposition.

16. Applicant denies the allegations contained in paragraph 16 of the Opposition.

Request for Relief

The remaining allegations are prayers for relief that do not require an admission or denial by Applicant. To the extent a response is required, the allegations are denied. Unless specifically admitted herein, all allegations are denied. Applicant further denies that Opposer is entitled to any relief, including the relief requested in the Opposition.

AFFIRMATIVE DEFENSES

First Affirmative Defense

Opposer's Opposition fails to state any claims upon which relief may be granted.

Second Affirmative Defense

Opposer's claims are barred by the doctrine of unclean hands.

Third Affirmative Defense

There is no likelihood of confusion between Opposer's and Applicant's trademarks.

Fourth Affirmative Defense

Applicant's trademark does not constitute a false designation of origin.

Fifth Affirmative Defense

Opposer's claims are barred, in whole or in part, by Opposer's inequitable conduct.

Sixth Affirmative Defense

Opposer's claims are barred, in whole or in part, by the doctrine of acquiescence.

Seventh Affirmative Defense

Opposer's claims are barred, in whole or in part, by the doctrine of laches.

WHEREFORE, having fully answered, Applicant Adeptia, Inc. prays for judgment against Adeptis, Inc., dismissing its Opposition with prejudice, and awarding Applicant its

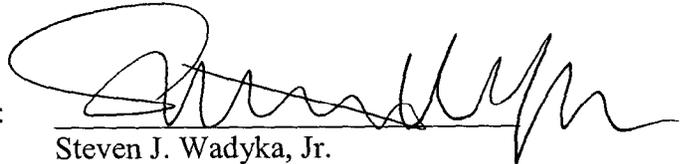
attorneys' fees, costs and expenses incurred in this action, and such other and further relief as the Board deems just and equitable.

Dated: November 25, 2001

Respectfully submitted,

GREENBERG TRAURIG, LLP

By:



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CERTIFICATE OF SERVICE

I hereby certify that on November 25, 2001, a copy of the foregoing was served on the by First Class Mail, postage prepaid, on the following:

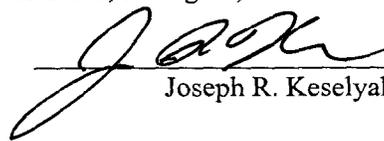
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DAVID A. KESSLER

CERTIFICATE OF EXPRESS MAILING UNDER 37 C.F.R. § 1.10

I hereby certify that this document (and any referred to as being attached or enclosed) is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" service, mailing label No. **ET 812 928 077 US** on **November 21, 2001**, and addressed to the Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

 11/21/2001

Joseph R. Keselyak, Law Clerk

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TTAB



11-21-2001

U.S. Patent & TMO/c/TM Mail RcptDt. #58

November 21, 2001

Attorney Docket No. 42656.010100

VIA EXPRESS MAIL

BOX TTAB
NO FEE
Assistant Commissioner for Trademarks
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Sir:

Submitted herewith, please find an Answer of Applicant Adeptia, Inc. for Opposition No. 91150160.

Please direct all correspondence to Steven J. Wadyka, Jr., Esq., Greenberg Traurig, 1750 Tysons Blvd., 12th Floor, McLean, VA 22102.

If any additional filing fees are required in connection with the filing of this document, please charge Deposit Account No. 50-0653.

Respectfully Submitted,

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