

4. Applicant is without sufficient information to form a belief as to the truth of the allegations by Opposer in paragraph 4 of the Notice and therefore denies the allegations contained therein.

5. Applicant admits that it has claimed in its application for Applicant's Mark a first use and first use in commerce date of at least as early as July 9, 1999. Applicant is without sufficient information to form a belief as to the truth of the remaining allegations by Opposer in paragraph 5 of the Notice and therefore denies such remaining allegations contained therein.

6. Upon information and belief, Applicant denies the allegations alleged by Opposer in paragraph 6 of the Notice.

7. Applicant is without sufficient information to form a belief as to the truth of the allegations by Opposer in paragraph 7 of the Notice and therefore denies the allegations contained therein.

8. Upon information and belief, Applicant denies the allegations alleged by Opposer in paragraph 8 of the Notice.

9. Upon information and belief, Applicant denies the allegations alleged by Opposer in paragraph 9 of the Notice.

AFFIRMATIVE DEFENSES

10. Opposer, Village Bancorp, Inc., is a holding company that operates a single bank in Arlington Heights, Illinois under the name "Village Bank and Trust Arlington Heights" ("Opposer's Mark").

11. Applicant's Mark and Opposer's Mark are so distinct that there is no likelihood of confusion between Applicant's Mark and Opposer's Mark.

12. In the alternative, Opposer has no registration for Opposer's Mark and has alleged no information or evidence regarding the geographic scope of its alleged use of Opposer's Mark, and thus Opposer must be limited in geographic scope to the use of its mark, if any, by that granted under common law.

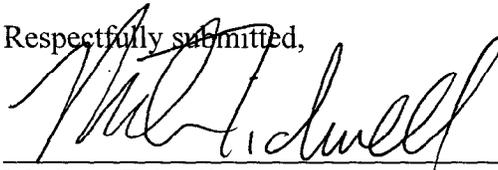
10. In the alternative, by virtue of the fact that multiple unrelated entities, including without limitation, Village Bank and Trust located in North Barrington, Illinois, claim ownership and use of the mark within a geographic region of twenty miles, the Opposer has no rights in the mark because the mark is diluted, generic and cannot function as a source identifier with respect to Opposer.

11. In the alternative, by virtue of the fact that multiple unrelated entities, including without limitation, Village Bank and Trust located in North Barrington, Illinois, claim ownership and use of the mark within a geographic region of twenty miles, the Opposer has no rights in the mark because the mark has been abandoned by Opposer for lack of control.

PRAYER FOR RELIEF

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed in its entirety, and that a registration issue to Applicant for the mark VILLAGE BANK & TRUST.

Respectfully submitted,



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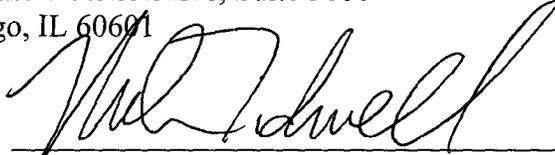
Dated: September 24, 2002

Counsel for Applicant,
Village Bank & Trust, SSB

CERTIFICATE OF SERVICE

I hereby certify that true and correct copies of the foregoing **ANSWER TO NOTICE OF OPPOSITION** was served this 24th day of September, 2002, via first class mail, postage prepaid, upon the following:

Anthony P. Janik
Abramson & Fox
One East Wacker Drive, Suite 3800
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TTAB



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September 24, 2002

Box TTAB - NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513



09-27-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #66

Re: **OPPOSITION NO. 91152502**
Village Bancorp, Inc. v. Village Bank & Trust, SSB, Before the Trademark
Trial and Appeal Board
Mark: *VILLAGE BANK & TRUST*, Serial No. 75/932,718
Docket No. 85829.9002.002

TRADEMARK TRIAL AND
APPEAL BOARD
02 OCT -4 AM E: 38

Dear Sir:

Enclosed for filing in the captioned Opposition is an original and two (2) copies of the following document:

1. **ANSWER TO NOTICE OF OPPOSITION.**

In the event there are additional fees in this matter, the Commissioner is authorized to charge Deposit Account No.50-0259 (85829.9002.002) for the necessary amount. A duplicate copy of this letter is enclosed for the convenience of the Office.

Very truly yours,

Bracewell & Patterson, L.L.P.

Mark A. Tidwell

MAT/prc
Enclosures

cc: Anthony P. Janik
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