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

In the matter of Application Serial No. 76/216,493
Filed on February 27, 2001
For the Mark SYNTEL
Published in the Official Gazette on June 18, 2002

SYNTELSOFT, INC.,)
)
)
 Opposer,)
)
 v.)
)
 SYNTEL, INC.,)
)
 Applicant.)

Opposition No. 91152909



10-29-2002
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #64

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ANSWER OF APPLICANT SYNTEL, INC.

Applicant, Syntel, Inc. ("Syntel"), hereby responds to the Opposition of SyntelSoft, Inc. ("Opposer"), in the paragraphs below which are numbered to correspond to those set forth in the Notice of Opposition:

1. Syntel admits filing an Application for U.S. Service Mark Registration of the mark SYNTEL for "business consulting services, namely, consultation relating to business strategy, including assessing a company's existing operations, and advising on the development of technology-related methodologies in the field of project management; consultation relating to outsourcing of computerized business functions; business consultation relating to the fields of electronic commerce and electronic business; business consultation relating to the field of on-line business transactions, namely, marketing, order processing, and order fulfillment; customer

relationship management; and employee leasing services, namely, providing information technology professionals to others,” in International Class 35; and “computer consultation services in the fields of web site design, web site development, web site maintenance, web site upgrading, web site hosting, web site privacy, web site security, database design, selection of operating environment, development of operating environment, development and integration of interactive content and design; and in the fields of computer software applications, computer software maintenance, and computer software development; technical support services via telephone, email, facsimile, pager, and in person; and enabling legacy applications for use on the world wide web,” in International Class 42, with the U.S. Patent and Trademark Office (“PTO”) on February 27, 2001, based on its use of the mark since at least as early as June 30, 1999. Syntel admits that the Application was published by the PTO in the Official Gazette of the United States Patent and Trademark Office on June 18, 2002. Syntel also admits that it is a Michigan corporation. Syntel denies that its application “requests proprietary right to use the word mark SYNTEL” irrespective of the above descriptions.

2. Syntel is without knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 2.

3. Syntel denies that its goods and services are marketed using the Internet domain “syntel.com.” Syntel is without knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations set forth in paragraph 3.

4. Syntel denies that the described patent is evidence of use of the mark “SYNTEL” by Opposer. Syntel is without knowledge and information sufficient to form a belief as to the truth of the remainder of the allegations set forth in paragraph 4.

5. Syntel is without knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5. Answering further, the referenced article states

that "Syntel is a registered trademark of Syntelligence, Inc." The PTO records do not disclose such ownership or any assignment to Opposer.

6. Syntel is without knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 6.

7. Syntel is without knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 7.

8. Syntel is without knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 8.

9. Syntel is without knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 9.

10. Syntel denies that Opposer has superior rights in the mark "SYNTEL." Syntel admits that Mr. James sent such email to Mr. Seder of SyntelSoft for its purposes in re-directing third parties who reach its website in error when searching for Syntel, Inc. Syntel denies the remaining allegations of paragraph 10.

11. Syntel denies, as vague, Opposer's statement that "Applicant's Services are confusingly similar to Opposer's." The allegations of paragraph 11 also state legal conclusions to which no response is required. To the extent an answer is deemed required, Syntel denies the allegations of paragraph 11. Syntel denies the remaining allegations of paragraph 11.

FIRST DEFENSE

Syntel is the owner of the mark SYNTEL (the "Mark") which was registered with the U.S. Patent and Trademark Office on June 9, 1992, for "custom designing of computer software and computer programming services." Pursuant to 15 U.S.C. §1065, Syntel's right to use the Mark in connection with the services for which it is registered is incontestable. The Mark has

been used by Syntel since 1984 and is in use worldwide in connection with the above-described services.

SECOND DEFENSE

Opposer will suffer no damage upon the registration of Syntel's mark and, therefore, lacks standing to bring the within Notice.

THIRD DEFENSE

Opposer's claim is barred by the doctrines of acquiescence, estoppel and/or laches. Opposer has known of Syntel for years and has acquiesced to Syntel's use of the mark.

ADDITIONAL AFFIRMATIVE DEFENSES

Syntel reserves the right to allege affirmative defenses that it becomes aware of during the course of discovery.

CONCLUSION

Syntel requests that the Notice of Opposition be dismissed and that Application Serial No. 76/216493 be passed to registration.

Respectfully submitted,

Bodman, Longley & Dahling LLP

Dated: October 29, 2002

By: Angela Alvarez Sujek

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Certificate of Mailing

I hereby certify that the enclosed Answer to Notice of Opposition regarding the mark SYNTEL, Serial No. 76/216493, is being sent via Express Mail (No. EU043059330US), postage prepaid, on October 29, 2002, to:

Trademark Trial and Appeal Board
Box TTAB Fee
2900 Crystal Drive
Arlington, Virginia 22202-3513,

and that a copy of same is being sent by U.S. Postal Service First Class Mail, postage prepaid, to:

Mr. Jonathan Seder
President, SyntelSoft Inc.
P.O. Box 680
Palo Alto, California 94302-0680

Name of person certifying mailing: Lisa Charlebois

Signature: *Lisa Charlebois*

Date of Signing: October 29, 2002