

TTAB

***Cary Brett Berman
1917 Lafayette Road
Gladwyne, PA 19035
(610) 227-5600***

September 12, 2005

United States Department of Commerce
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Va. 22202-3513

In re Application Serial No. : 78/320850
Mark : ENYCE
International Class : 12
Applicant : Cary Berman
Filed : October 30, 2003
Published : August 24, 2004

Dear Sir/Madam:

Enclosed for filing in the above captioned matter are the original and one copy of the following:

1. ANSWER TO OPPOSER' S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS.
2. ANSWER TO OPPOSER' S FIRST SET OF INTERROGATORIES TO APPLICANT.

Respectfully submitted,



Cary Berman

SC: Carole E. Klinger, Esquire



10-12-2005

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

Cary Brett Berman
1917 Lafayette Road
Gladwyne, PA 19035
(610) 227-5600

L. C. Licensing, Inc.

Opposer,

Opposition No. 91162330
Serial No. 78320850

**ANSWER TO OPPOSER'S FIRST SET
OF INTERROGATORIES TO
APPLICANT**

v.

CARY B. BERMAN

Applicant

In re Application Serial No. : 78/320850
Mark : ENYCE
International Class : 12
Applicant : Cary Berman
Filed : October 30, 2003
Published : August 24, 2004

Applicant, representing himself pro se submits this revised ANSWER to Opposer's FIRST SET OF INTERROGATORIES.

The Applicant is Cary Berman. Cary Berman is a law abiding U.S. citizen living at 1917 Lafayette Rd., Gladwyne, Pa. 19035. Applicant is not represented by council and represents himself pro se. Applicant respectfully asks that all parties please correspond directly with Applicant at the address listed.

Applicant believes that it should receive registration and approval to utilize Application Serial No. : 78/320850 for the Mark ENYCE filed in International Class 12 on October 30, 2003 and Published for opposition on August 24, 2004.

Answers to Opposer's FIRST SET OF INTERROGATORIES by numbered paragraph.

1. Applicant does not understand the question "affiliated or involved" but has ownership in one corporation. C. Berman Associates inc., incorporated in Pennsylvania and located at 1917 Lafayette Rd. , Gladwyne, Pa 19035.

2. Currently the only product or service offered by C. Berman Associates are Vehicle Service Contracts from General Electric Auto Warranty Services (GEAWS) .

3. GEAWS 5 Star, GEAWS 4 Star and GEAWS 3 Star.

4. A Service Contract may be considered a Product or a Service. Applicant does not maintain individual sales figures for each type of Service Contract. Applicant does not keep specific gross sales figures as Applicant only receives commissions. Applicant will offer estimated gross sales figures per year as follows in an effort to hopefully satisfy the Opposer. 2002- in excess of \$100,000; 2003- in excess of \$1,000,000; 2004- in excess of \$2,000,000.

5. A Service Contract may be considered a Product or a Service. Applicant does not maintain individual sales figures for each type of Service Contract. Applicant does not keep specific gross sales figures as Applicant only receives commissions. Applicant will offer estimated gross sales figures per year as follows in an effort to hopefully satisfy the Opposer. 2002- in excess of \$100,000; 2003- in excess of \$1,000,000; 2004- in excess of \$2,000,000.

6. A Service Contract may be considered a Product or a Service. Applicant does not maintain individual sales figures for each type of Service Contract. Applicant does not keep specific gross sales figures as Applicant only receives commissions. Applicant will offer estimated gross sales figures per year as follows in an effort to hopefully satisfy the Opposer. 2002- in excess of \$100,000; 2003- in excess of \$1,000,000; 2004- in excess of \$2,000,000.

7. Vehicle Service Contracts are sold to an individual buyer of a Vehicle. C Berman Associates has thousands of customers.

8. Applicant does not understand this question.

9. Applicant has not used and will not use it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition.

10. Applicant has not used and will not use it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition.

11. Applicant has not used and will not use it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition. Applicant has not decided on the intended use.

12. Applicant has not used and will not use it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition. The reason Applicant has not used it's Mark is due to this pending Opposition.

13. Applicant has not used and will not use it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition.

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16. Applicant has not used and will not use it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition. Applicant has not decided on the intended use..

17. Applicant has not made any decisions about the issues asked in this question pending resolution of this matter in the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board.

18. Applicant has not used and will not use it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition. Applicant has not made any decisions about the future issues asked in this question pending resolution of this matter in the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board.

19. Applicant has not promoted or advertised it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition.

20. Applicant has not used and will not use it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition.

21. Applicant has not used and will not use it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition. Applicant does not have any affiliates or made any other business arrangements pending resolution of this matter.

22. Applicant has not promoted and will not promote it's Mark until the United States Department of Commerce Patent and Trademark Office Trademark Trial and Appeal Board officially denies Opposer's opposition.

23. Applicant is not aware of any litigation (other than this litigation) involving Applicant's Mark.

24. Applicant has not received any such correspondence.

25. Applicant has not sent any such correspondence.

26. Applicant received a letter from Opposer's council in July of 2004. Applicant took no action.

27. Confusion does not exist as the products are dissimilar.

28. Confusion does not exist as the products are dissimilar. Applicant finds it difficult to understand why a clothing company thinks that automobile products are similar to clothing products.

29. Applicant finds it difficult to understand why automobile products would "cause injury and damage" a clothing company.

30. No one other than Applicant.

31. Cary Berman.

32. Cary Berman.

33. Applicant independently thought to use ENYCE on automobile products and was not aware that ENYCE was ever used on anything if it actually has been used. ENYCE is simply an abbreviation for New York City with the letter "E" on each side to represent electronic commerce. Applicant has a history in the automotive product industry. Specifically Applicant has utilized the internet to show a consumer what the automotive product will look like if installed on an automobile. Applicant respectfully asks that the parties review U. S. Patent Application 09/400.600 and U.S. Patent Application serial No. 09/625,950.

34. In an effort to better answer this question Applicant conducted two separate informal studies of 20 individuals each on street corners in Philadelphia, Pa. and in NYC, NY. No one in said studies had ever heard of opposer's clothing company.

35. Cary Berman.

36. None.

37. Cary Berman.

38. Cary Berman, Evan Davis, Rolando Felix, a current or former employee from the Internal Revenue Service and an expert witness.

SUBMITTED this 12th day of September, 2005.

CARY BRETT BERMAN



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SUBMITTED this 12th day of September, 2005.

CARY BRETT BERMAN



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October 30, 2003 and Published for opposition on August 24, 2004.

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1. Applicant does not understand the question "affiliated or involved" but has ownership in one corporation. C. Berman Associates inc., incorporated in Pennsylvania and located at 1917 Lafayette Rd. , Gladwyne, Pa 19035. Corporate documents are located at it's accountant's office. Applicant is in possession of the corporate seal which is impossible to provide with this answer.

2. Specimen versions of the Vehicle Service Contracts offered are Attached as Exhibits A, B & C.

3. Specimen versions of the Vehicle Service Contracts offered are Attached as Exhibits A &B.

4. Specimen versions of the Vehicle Service Contracts offered are Attached as Exhibits A &B.

5. No documents exist in Applicant's possession.

6. No documents exist in Applicant's possession.

7. No documents other than those submitted to the United States Department of Commerce Patent and Trademark Office exist.

8. No documents other than those submitted to the United States Department of Commerce Patent and Trademark Office exist.

9. No documents exist that are responsive to this request.

10. No documents other than those received from the United States Department of Commerce Patent and Trademark Office exist.

11. No documents other than those received from opposer exist.

12. No documents exist that are responsive to this request.

13. No documents exist that are responsive to this request.

14. No documents exist that are responsive to this request.

15. No documents other than those submitted to or received from the United States Department of Commerce Patent and Trademark Office exist.

16. No documents exist that are responsive to this request.

17. No documents exist that are responsive to this request.

18. No documents exist that are responsive to this request.

19. No documents exist that are responsive to this request.

20. No documents exist that are responsive to this request.

21. No documents exist that are responsive to this request.

22. No documents exist that are responsive to this request.

23. No documents exist that are responsive to this request.

24. No documents other than those received from opposer exist.

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27. No documents exist that are responsive to this request.

28. No documents exist that are responsive to this request.

29. No documents exist that are responsive to this request.

30. No documents exist that are responsive to this request.

31. No documents exist that are responsive to this request.

32. No documents exist that are responsive to this request.

33. No documents exist that are responsive to this request.

34. No documents exist in Applicant's possession, however applicant works from a home office at 1917 Lafayette rd., Gladwyne, Pa. 19035.

35.No documents exist that are responsive to this request.

36.No documents exist that are responsive to this request.

37.No documents exist that are responsive to this request.

38.No documents exist that are responsive to this request.

39. Applicant reserves the right to bring automobile products (wheels, brake pads,etc.) to the testimony period and hold said products up next to Opposer's clothing products to determine if confusion would exist between the products.

40.No documents exist that are responsive to this request.

41.No documents exist that are responsive to this request.

42.No documents exist that are responsive to this request.

43.No documents exist that are responsive to this request.

44.No documents exist that are responsive to this request.

45.No documents exist that are responsive to this request.

46.No documents exist that are responsive to this request.

47.No documents other than those received from the United States Department of Commerce Patent and Trademark Office exist.

48. Applicant received a letter from Opposer's council in July of 2004. Applicant did not keep a copy of said letter.

49.No documents other than those received from Opposer exist.

50. No documents exist that are responsive to this request.

51.No documents exist that are responsive to this request.

52. Applicant is an individual representing himself pro se. Applicant does not have a document policy.

53. Applicant intends to hire an expert witness and utilize an expert witness report and testimony.

SUBMITTED this 12th day of September, 2005.

CARY BRETT BERMAN



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CERTIFICATE OF SERVICE

I, Cary Berman, hereby certify that true and correct copies of the foregoing ANSWER TO OPPOSER' S FIRST SET OF REQUESTS FOR PRODUCTION OF DOCUMENTS AND THINGS and ANSWER TO OPPOSER' S FIRST SET OF INTERROGATORIES TO APPLICANT. were served on Opposer by priority mailing same (with delivery conformation) to Carole E. Klinger, Esq., 919 Third Ave., New York, NY. 10022 this 12th day of September 2005.



Cary Berman