

TTAB

Cary Brett Berman
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February 3, 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

Respectfully submitted,



Cary Berman

CC: Carole E. Klinger, Esquire



02-11-2005

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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 were served on Opposer by priority mailing same (with delivery conformation) to Carole E. Klinger, Esq., 919 Third Ave., New York, NY. 10022 this 4th day of February 2005.



Cary Berman

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

Cary Brett Berman
1917 Lafayette Road
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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 ANSWER to Opposer's FIRST SET OF INTERROGATORIES which was dated December 23, 2004 but received on January 26, 2005. Applicant assumes that the Opposer listed an incorrect date however Applicant respectfully requests that all future correspondence have some type of delivery date confirmation.

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.

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.

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

1. Applicant has applied for 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 in his own individual name. Applicant has not assigned it's Mark to any corporate entity. Applicant has not entered into any contract or agreement of any kind regarding it's Mark with any corporate entity. Applicant does not believe that the information requested in this question is relevant to the parties dispute.

2. Applicant has applied for 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 in his own individual name. Applicant has not assigned it's Mark to any corporate entity. Applicant has not entered into any contract or agreement of any kind regarding it's Mark with any corporate entity. Applicant does not believe that the information requested in this question is relevant to the parties dispute.

3. Applicant has applied for 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 in his own individual name. Applicant has not assigned it's Mark to any corporate entity. Applicant has not entered into any contract or agreement of any kind regarding it's Mark with any corporate entity. Applicant does not believe that the information requested in this question is relevant to the parties dispute.

4. Applicant has applied for 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 in his own individual name. Applicant has not assigned it's Mark to any corporate entity. Applicant has not entered into any contract or agreement of any kind regarding it's Mark with any corporate entity. Applicant does not believe that the information requested in this question is relevant to the parties dispute.

5. Applicant has applied for 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 in his own individual name. Applicant has not assigned it's Mark to any corporate entity. Applicant has not entered into any contract or agreement of any kind regarding it's Mark with any corporate entity. Applicant does not believe that the information requested in this question is relevant to the parties dispute.

6. Applicant has applied for 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 in his own individual name. Applicant has not assigned it's Mark to any corporate entity. Applicant has not entered into any contract or agreement of any kind regarding it's Mark with any corporate entity. Applicant does not believe that the information requested in this question is relevant to the parties dispute.

7. Applicant has applied for 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 in his own individual name. Applicant has not assigned it's Mark to any corporate entity. Applicant has not entered into any contract or agreement of any kind regarding it's Mark with any corporate entity. Applicant does not believe that the information requested in this question is relevant to the parties dispute.

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.

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.

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.

14. 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 feel that it's future plans with respect to it's Mark are relevant to the parties dispute.

15. 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 feel that it's future plans with respect to it's Mark are relevant to the parties dispute.

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 does not feel that it's future plans with respect to it's Mark are relevant to the parties dispute.

17. Applicant does not feel that it's future plans with respect to it's Mark are relevant to the parties dispute.

18. Applicant does not feel that it's future plans with respect to it's Mark are relevant to the parties dispute.

19. 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.

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. Applicant does not feel that it's future plans with respect to it's Mark are relevant to the parties dispute

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 feel that it's future plans with respect to it's Mark are relevant to the parties dispute.

22. 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.

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 response as a question is not asked.

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. Opposer's council needs to walk out of her office and ask one hundred people if they have ever heard of Opposer's Mark. Perhaps then Opposer will apologize to Applicant and we can all move forward.

35. Cary Berman.

36. None.

37. Cary Berman.

38. Cary Berman and an expert witness.

SUBMITTED this 3rd day of February, 2005.

CARY BRETT BERMAN



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