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Filing date: **05/10/2005**

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

Proceeding	91164879
Party	Defendant Exipert, Inc. Exipert, Inc. 323 Washington St Hoboken, NJ 07030
Correspondence Address	Exipert, Inc. 323 Washington St Hoboken, NJ 07030
Submission	Answer
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Date	05/10/2005
Attachments	Answer.pdf (4 pages)

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

TEV LAW GROUP, PC)	
)	
Opposer)	Opposition No. 91164879
)	CHECKMARK NETWORK
v.)	Class 35
)	
)	
EXIPERT, INC.)	
)	
Applicant)	

ANSWER

For its answer to the Notice of Opposition, Applicant Exipert, Inc., states the following:

1. Answering the allegations of ¶ 1 of the Notice of Opposition, Applicant denies that Opposer is the exclusive owner of the mark CHECKMARK and that the mark CHECKMARK, as allegedly used by Opposer, is the “Senior Mark.” Except as thus stated, Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations pleaded in ¶ 1 and therefore denies the same.
2. Answering the allegations of ¶ 2 of the Notice of Opposition, Applicant denies that the mark CHECKMARK, as allegedly used by Opposer, is the “Senior Mark.” Except as thus stated, Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations pleaded in ¶ 2 and therefore denies the same.
3. Answering the allegations of ¶ 3 of the Notice of Opposition, Applicant denies that it seeks to register the mark CHECKMARK NETWORK in Class 35 for “intellectual property

related services.” Rather, Application No. 78/321694 seeks to register the mark CHECKMARK NETWORK for “intellectual property services, namely, intellectual property monitoring; conducting research to locate business markets and intellectual property data, in Class 35.”

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations pleaded in ¶ 4 of the Notice of Opposition and therefore denies the same.
5. Answering the allegations of ¶ 5 of the Notice of Opposition, Applicant denies that CHECKMARK, as allegedly used by Opposer, is the “Senior Mark.” Except as thus stated, Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations pleaded in ¶ 5 of the Notice of Opposition and therefore denies the same.
6. Answering the allegations of ¶ 6 of the Notice of Opposition, Applicant denies that CHECKMARK, as allegedly used by Opposer, is the “Senior Mark.” Except as thus stated, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations pleaded in ¶ 6 of the Notice of Opposition and therefore denies the same.
7. Answering the allegations of ¶ 7 of the Notice of Opposition, Applicant denies that CHECKMARK, as allegedly used by Opposer, is the “Senior Mark.” Except as thus stated, Applicant is without knowledge or information sufficient to admit or deny the allegations of ¶ 7 as pleaded by Opposer and therefore denies the same.
8. Applicant denies the allegation pleaded in ¶ 8 of the Notice of Opposition that Opposer will be damaged by Applicant’s registration of the mark CHECKMARK NETWORK.
9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations pleaded in ¶ 9 of the Notice of Opposition and therefore denies the same.

Applicant reserves the right to seek leave to amend the foregoing Answer to assert whatever affirmative defenses that may be applicable based on the results of discovery.

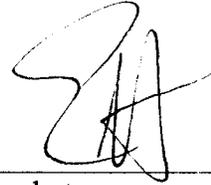
WHEREFORE, Applicant prays as follows:

- (a) The Notice of Opposition should be dismissed; and
- (b) The opposed application should be allowed.

EXIPERT, INC.

Date: May 10, 2005

By:



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CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing Answer was served on the following attorney of record for Opposer by depositing same in the United States mail, first class, postage prepaid, this 10th day of May 2005:

Gregg R. Zegarelli, Esq.
TEV Law Group, P.C.
429 Forbes Avenue, 12th Floor
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