

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

OCEAN NATIONAL BANK

Opposer,

**APPLICANT'S ANSWER TO
NOTICE OF OPPOSITION**

-vs-

OCEAN BANK

Opposition No. 91166082

Applicant.

Box TTAB NO FEE
Assistant Commissioner for Trademarks
Trademark Assistance Center
James Madison Building – East Wing
Concourse Level
600 Dulany Street
Alexandria, Virginia 22313

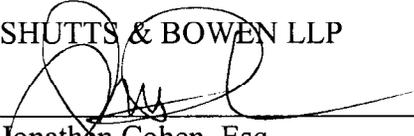
TRANSMITTAL

Sir:

Please accept the enclosed **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION**. Also enclosed is our return postcard, which we would appreciate the mail room stamping as to the date received and returning to our offices.

Respectfully submitted,

SHUTTS & BOWEN LLP



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09-09-2005

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I hereby certify that this correspondence is being deposited with the Federal Express drop box on the date indicated above and is addressed to: Box TTAB NO FEE Assistant Commissioner for Trademarks, Trademark Assistance Center, James Madison Building – East Wing, Concourse Level, 600 Dulany Street, Alexandria, Virginia, 22313.

By: 

Felicia Hickey

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

In the Matter of Opposition No. 91166082
Mailed on August 1, 2005
For the Mark OCEAN BANK
Application Filed on May 25, 1999

OCEAN NATIONAL BANK

Opposer,

-vs-

OCEAN BANK

Opposition No. 91166082
Serial No. 75-713351

Applicant.

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

In response to the Opposer's Notice of Opposition filed on August 1, 2005 (the "Opposition"), Ocean Bank ("Applicant"), answers the Opposition as follows:

1. In response to the allegations of paragraphs 1, 2, 3, 4, 5, 6 and 7, Applicant denies all allegations.
2. To the extent that the allegations set forth in the Opposition have not been responded to above, they are denied.

In further answer to the Opposition, the Applicant asserts that:

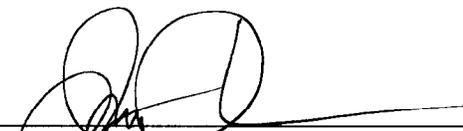
3. Since December 8, 1982, the Applicant has owned and used the mark OCEAN BANK in interstate commerce, in connection with banking services in International Class 36.
4. The Applicant's use of its mark has been widespread.
5. Upon information and belief, the Opposer has had knowledge of the Applicant's use of the mark, OCEAN BANK, for a considerable length of time.

6. Notwithstanding the Opposer's knowledge of the Applicant's use of the mark, OCEAN BANK, the Opposer made no effort to stop the Applicant from using this mark until the present. The Applicant has expended much effort and money in identifying its services with the mark, OCEAN BANK.

7. By reason of its laches, the Opposer should not now be allowed to prevent the Applicant from using its mark.

RELIEF REQUESTED

8. By reason of the foregoing, the Applicant asks that this cancellation proceeding be dismissed with prejudice and that judgment be entered in favor of Applicant.



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing was mailed by First Class U.S. Mail to Timothy H. Hiebert, Esq., Samuels & Hiebert LLC, Two International Place, 23rd Floor, Boston, Massachusetts, 02110 on this  day of September, 2005.

By: 
Jonathan Cohen, Esq.