

ESTTA Tracking number: **ESTTA59206**

Filing date: **12/23/2005**

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

Proceeding	91167540
Party	Defendant Samuel Bouter dba Minatek Solutions Samuel Bouter Suite 260 9049 Commercial St CAX New Minas, NS, B4N 5A4
Correspondence Address	BOUTER, SAMUEL DBA MI; MINATEK SOLUTIONS SUITE 260; 9049 COMMERCIAL ST NEW MINAS; NS B4N 5A4 CAX - CANADA,
Submission	Answer
Filer's Name	Samuel Bouter
Filer's e-mail	sbouter@minateksolutions.com
Signature	/Samuel Bouter/
Date	12/23/2005
Attachments	Answer to Grounds for Opposition.pdf (2 pages)

ANSWER TO GROUNDS FOR OPPOSITION

Answer to opposition shall proceed opposition. Further responses and explanations may follow.

DENY

(1) Opposer is the owner of U.S. Trademark Serial No. 78/507,466 for MINTEK, for use in conjunction computer software development for integrating mobile devices. billings systems and other databases in the cable and hospitality industries.

AGREE

(2) Applicant is owner of U.S. Trademark Serial No. 78/490,643 for MINATEK for use in conjunction with computer software designed to manage a business' customers, known as customer relationship management or CRM software, by keeping track of their interactions with the business and providing reports and reminders to the sales team and management; product and billing management, known as pcnnt-of-sale or POS software, e-commerce, and electronic client invoicing, designed to allow a business through the complete retail cycle of listing, selling, invoicing, payment collection, and shipping of products both on Internet and a traditional retail outlet; notification software in e-mail or phone a client letting them know a product or service they subscribe to is ready or available.

AGREE

(3) Opposer became aware of Applicant's use of the mark MINATEK upon receiving a Notice of Suspension for Opposer's mark pending the disposition of Applicant's mark.

DENY

(4) Both Opposer and Applicant's use the marks in association with similar computer software. The marks and goods are substantially identical. Therefore, confusion is likely.

DENY

(5) Opposer will further be harmed should a well-informed trademark attorney refuse registration of U.S. Trademark Application Serial No. 78/507,466 for Opposer's mark based

on the earlier filed U.S. Trademark Application Serial No. 78/490,643.

DENY

(6) Opposer has been using the mark in commerce as early as November 30, 1985 and will be banned by the registration of Applicant's mark as it is nearly identical to Opposer's mark.

DENY

(7) Opposer is the senior user of the mark in association with computer software.