

ESTTA Tracking number: **ESTTA64069**

Filing date: **01/27/2006**

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	Opposition/Response to Motion
Filer's Name	Samuel Bouter
Filer's e-mail	sbouter@minateksolutions.com
Signature	/Samuel Bouter/
Date	01/27/2006
Attachments	Answer to Default Motion.pdf (3 pages)

**Opposition 91167540 – Minatek Solutions
Response to Motion of January 9, 2006**

The Board:

I would like to apologize for acting on bad information regarding the methods of responding; however, I don't believe that default is appropriate.

Please also note that another copy of the answers have been sent, mailed this time, to the opposer.

In response to the motion for default, even though a motion for extension of time was filed, I did not need to take advantage of this as I answered before the deadline. As mentioned earlier, I was advised an e-mail was satisfactory and was even pointed to trademark law that could allow for this.

Having said this, though, the opposer recognizes in the motion that an answer was made (exhibits "A" and "B"). Even though it wasn't technically correctly sent, the method was effective.

Regarding the short answers, trademark law states clearly that the answers *may* contain short explanations. A *may* is not a *must*. It is my understanding that more complete reasoning comes during the discovery period. I simply do not have enough details about the opposer to give further answer. I trust the discovery period will allow for this.

In short, a ruling of a default would be harsh. In good faith I filed documents as I learned them to be appropriate, working with very short timeframes, partly due to by the time the documents arrived an answer is due almost immediately.

I would hope that the Board would see that I have done everything as generally recommended. I have started a business, obtained trademarks almost immediately in the regions I deal in business. This is more than can be said about the opposer.

While the Board has the final decision, the ultimate question is not whether my response to an opposition was filed perfectly, but why should my trademark be allowed and the opposer's to be denied. Let's not lose sight of the ultimate goal and reasoning behind the trademark office.

May I remind the opposer that it is their trademark that was denied because of similarities to mine. My company filed before the opposer, with a foreign trademark already in place (on file with USPTO), and both trademarks applied for shortly after the commencement of business.

Respectfully,

A handwritten signature in black ink, appearing to read 'S. Bouter', with a horizontal line underneath.

Samuel Bouter
9049 Commercial St, Suite 260
New Minas NS B4N 5A4

Certificate of Service

I hereby certify that a facsimile of this document has been sent January 27, 2006 by FedEx tracking number 790794542662 to:

15950 BAY VISTA DR STE 220
CLEARWATER, FL 33760-3118

A handwritten signature in black ink, appearing to read "Samuel Bouter", written over a horizontal line.

Signed: Samuel Bouter