

RIMER & MATHEWSON LLP

INTELLECTUAL PROPERTY, BUSINESS AND RELATED CAUSES

28202 CABOT ROAD, SUITE 300
LAGUNA NIGUEL, CALIFORNIA 92677
TELEPHONE (949) 367-1541
FACSIMILE (949) 625-7640
INFO@RIMERMATH.COM

TTAB

Writer's Direct E-mail:
darren@rimermath.com

March 29, 2006

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

BOX TTAB

Re: Opposition No.: 91169227
Serial No.: 78/317,032
Mark: MI CASA PUBLICACION
Our Reference: GELTI-003M

Dear Sir/Madam:

Enclosed for filing are the following:

1. Answer to Notice of Opposition;
2. Proof of Service;
3. Certificate of Mailing; and
4. A postcard to acknowledge receipt.

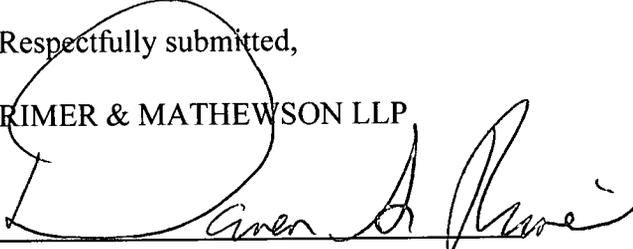
This letter is enclosed herewith in triplicate.

Respectfully submitted,

RIMER & MATHEWSON LLP

Date: March 29, 2006

By:


Darren S. Rimer
Counsel for Petitioner



04-03-2006

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #25

Case **GELTI-003M**
Trademark Application

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Mi Casa Real Estate Co.,)	Opposition No.: 91169227
)	
Opposer,)	Serial No.: 78/317,032
)	
vs.)	Mark: MI CASA PUBLICACION
)	
Gelt Industries, Inc.,)	
)	
Applicant.)	
_____)	

ANSWER TO NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Dear Sir/Madam:

Gelt Industries, Inc. ("Applicant") hereby responds to and answers the Notice of Opposition filed by Opposer herein as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 1 of the Notice of Opposition, and therefore denies the same.
2. Applicant admits the allegations made in paragraph 2 of the Notice of Opposition, although the description recited in the specification does not have a typographical error.
3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 3 of the Notice of Opposition, and therefore denies the same.
4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations made in paragraph 4 of the Notice of Opposition, and therefore denies the same.

5. Applicant denies the allegations made in paragraph 5 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

First Affirmative Defense

6. Opposer's Notice of Opposition fails to state grounds on which relief can be granted.

Second Affirmative Defense

7. Opposer's MI CASA mark is not inherently distinctive such that purchasers do not associate such mark with Opposer.

Third Affirmative Defense

8. Opposer is barred from relief by the Doctrine of Laches.

Fourth Affirmative Defense

9. Opposer is barred from relief by the Doctrine of Estoppel.

Fifth Affirmative Defense

10. Opposer is barred from relief by the Doctrine of Unclean Hands.

Sixth Affirmative Defense

11. Opposer's claims are barred insofar as Opposer does not have priority of use over its pleaded trademarks.

Seventh Affirmative Defense

12. Opposer's claims are barred because, even if Opposer does have priority of use over its pleaded trademarks, which Applicant denies, there is no likelihood of confusion between Opposer's marks and Applicant's mark.

Eighth Affirmative Defense

13. Opposer is barred by the Doctrine of Acquiescence.

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Ninth Affirmative Defense

14. Opposer's claims are barred insofar as Opposer has abandoned its trademarks.

Tenth Affirmative Defense

15. Opposer's claims are barred insofar as Opposer is not the owner of its pleaded trademarks.

Eleventh Affirmative Defense

16. Upon information and belief, there have been no instances of actual consumer confusion between Applicant's mark and the Opposer's pleaded marks.

Twelfth Affirmative Defense

17. Opposer lacks protectable trademark rights or other protectable propriety rights in its alleged marks.

Thirteenth Affirmative Defense

18. Opposer has failed to adequately maintain, police or enforce any trademark or proprietary rights it may once have had in its alleged trademarks.

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Fourteenth Affirmative Defense

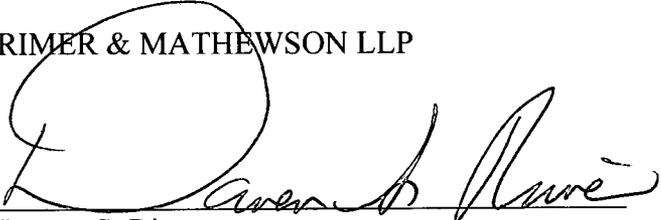
19. There is no likelihood of confusion between the Applicant's mark and the Opposer's pleaded marks as the goods and services of the parties are sufficiently different.

WHEREFORE, Applicant prays that the subject opposition proceeding be dismissed.

Respectfully submitted,

RIMER & MATHEWSON LLP

Dated: 3/29/06

By: 

Darren S. Rimer
28202 Cabot Road, Suite 300
Laguna Niguel, CA 92677
(949) 367-1541

Counsel for Applicant

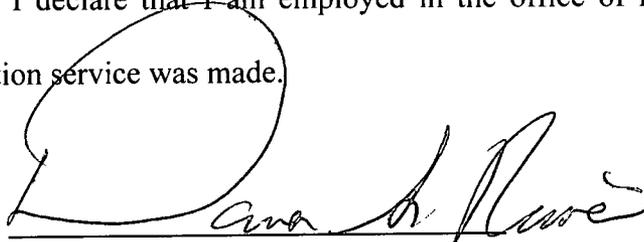
PROOF OF SERVICE

State of California)
) ss.
County of Orange)

I am over the age of 18 and not a party to the within action; my business address is 28202 Cabot Road, Suite 300, Laguna Niguel, California 92677. On March 29, 2006, the attached **ANSWER TO NOTICE OF OPPOSITION** was served on all interested parties in this action by U.S. Mail, postage prepaid, at the address as follows:

J. Charles Dougherty
Wright, Lindsey & Jennings, LLP
200 West Capitol Avenue, Suite 2300
Little Rock, AK 72201

Executed on March 29, 2006 at Ladera Ranch, California. I declare under penalty of perjury that the above is true and correct. I declare that I am employed in the office of RIMER & MATHEWSON LLP at whose direction service was made.


Darren S. Rimer

CERTIFICATE OF MAILING

Serial No.: 78/317,032



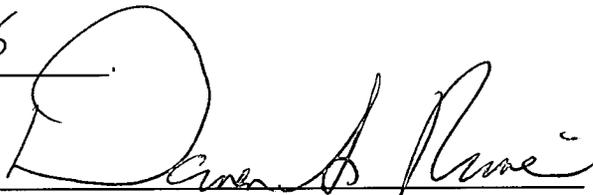
I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Trademarks, P.O. Box 1451; Alexandria, VA 22313-1451 on the date indicated below::



I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10, Express Mail No. _____ on the date indicated below and is addressed to the Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

on 3/29/06
(Date)



Signature

DARREN S. RIMER

Typed or printed name of person signing Certificate

Note: Each paper must have its own certificate of mailing, or this certificate must identify each submitted paper.

1. Answer to Notice of Opposition;
2. Proof of Service;
3. Transmittal (in triplicate); and
4. Return postcard