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Filing date: **05/17/2006**

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

Proceeding	91170363
Party	Defendant SWAIM390 INVESTIGATIONS, INC. SWAIM390 INVESTIGATIONS, INC. 4223 Glencoe Avenue Suite C203 Marina Del Rey, CA 902928803
Correspondence Address	PAUL D. SUPNIK LAW OFFICE OF PAUL D. SUPNIK 9601 WILSHIRE BOULEVARD, SUITE 828 BEVERLY HILLS, CA 90210-5210
Submission	Answer
Filer's Name	PAUL D. SUPNIK
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Date	05/17/2006
Attachments	Answer to Opposition.pdf (4 pages)(154287 bytes)

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

In the Matter of Trademark Application Serial No. 78/544,617
for the Mark YOUR PRIVATE EYES AND EARS
Published in the Official Gazette on November 29, 2005
Class: 45

Kenneth C. Cantamount, a U.S. Citizen	X	
Petitioner,	:	Opposition No. 91170363
v.	:	
Swaim390 Investigations, Inc., a California corporation	:	
Applicant.	:	
	X	

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

ANSWER TO NOTICE OF OPPOSITION

Swaim390 Investigations, Inc., a California corporation, located and doing business at 4223 Glencoe Ave., Suite C203, Marina Del Rey, California 90292, in response to the Notice of Opposition on file herein, denies, admits and alleges as follows:

1. As to Paragraph 1 of the Opposition, admits.

2. As to Paragraph 2 of the Opposition, admits.
3. As to Paragraph 3 of the Opposition, Applicant is without sufficient information to admit or deny the allegations contained therein, and therefore denies same.
4. As to Paragraph 4 of the Opposition, Applicant is without sufficient information to admit or deny the allegations contained therein, and therefore denies same.
5. As to Paragraph 5 of the Opposition, Applicant is without sufficient information to admit or deny the allegations contained therein, and therefore denies same.
6. Denies.
7. As to Paragraph 7 of the Opposition, admits that Opposer's and Applicant's marks share the phrase "PRIVATE EYES," but otherwise denies the same.
8. As to the first sentence of paragraph 8 of the Opposition, Applicant is without sufficient information to admit or deny the allegations contained therein, and therefore denies same. Applicant denies the allegations of the second sentence of paragraph 8 of the Opposition.
9. Denies.
10. Denies.
11. As to Paragraph 11 of the Opposition, Applicant is without sufficient information to admit or deny the allegations contained therein, and therefore denies same.

AFFIRMATIVE DEFENSES

By alleging the following affirmative defenses, Applicant does not necessarily assert or waive its rights to contest any issue as to burden of proof.

FIRST AFFIRMATIVE DEFENSE

12. Opposer's mark is merely descriptive of the services in connection with which the mark is alleged to have been used.

SECOND AFFIRMATIVE DEFENSE

13. Opposer's mark is generic of the services in connection with which the mark is alleged to have been used.

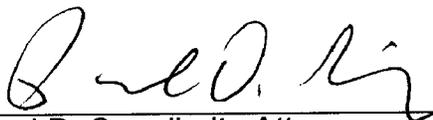
THIRD AFFIRMATIVE DEFENSE

14. Opposer's Notice of Allowance fails to state a claim upon which relief may be granted.

WHEREFORE, Applicant prays that this opposition be dismissed with prejudice and that Applicant's mark proceed to a Notice of Allowance.

SWAIM390 INVESTIGATIONS, INC.

Dated: May 17, 2006

By: 
Paul D. Supnik, its Attorney
9601 Wilshire Boulevard, Suite 828
Beverly Hills, CA 90210-5210
(310) 859-0100
Fax: (310) 388-5645

CERTIFICATE OF SERVICE

The undersigned hereby certifies that he caused a copy of the above ANSWER TO NOTICE OF OPPOSITION to be served by First Class Mail, postage prepaid on this date to:

Julianne B. Bochinski, Esq.
LAW OFFICE OF JULIANNE B. BOCHINSKI
Colonia Green
250 Post Road East, Suite 102
Westport, CT 06880

Dated: May 17, 2006



PAUL D. SUPNIK
Attorney for Applicant