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

Proceeding	91176047
Party	Defendant Bayview Management, LLC Bayview Management, LLC 17 West Pennsylvania Avenue Towson, MD 21204
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Bayview Financial, L.P.)
Opposer)
v.)
Bayview Management, LLC)
Application)

APPLICANT'S RESPONSE TO OPPOSER'S NOTICE OF OPPOSITION

In response to Opposer's Notice of Opposition, Applicant asserts:



1. Prior to its submission of the mark  for registration, Bayview Management had been using a sailboat type logo as part of its business. The prior sailboat design is not similar to the mark that Applicant is seeking to register.
2. Applicant's mark and Opposer's mark are different and contain different elements.
3. Opposer is claiming that Applicant's registration should be denied because of one



common element "sails". Opposer's mark  needs to be seen as a

whole. It contains other elements such as buildings. It is essentially a sailboat either sailing along the coast or into a harbor. Applicant's mark is a sail and waves. Two distinctively different marks that do not share any common elements besides a sail.

4. Applicant is only seeking to trademark the word Bayview as it pertains to this logo and for its use in the Class 36, Commercial and Residential Real Estate Property Management. It is not seeking to register the Bayview separately from the mark it is trying to register
5. Bayview Management, LLC has been in existence since 1995 and has been providing residential and commercial real estate management for at least 10 years
6. Opposer's mark is not arbitrary. Opposer has not demonstrated that the mark



is exclusively associated with the services it provides. Both Applicant's mark and Opposer's mark are affiliated with the name Bayview not the services it provides. The use of the word Management by the Applicant and Financial by the Opposer that create the connection between the name Bayview and the goods and services that are respectively provided.



7. The  and  are substantially different
8. Opposer and Applicant while in the Real Estate Field do offer distinctively different services. Bayview Management only offers commercial and residential

property management. Opposer offers many services. If management services were a main element it would have included it in its Mark which it chose not too.

In its application , Opposer states as goods and services it provides :

- i. "Mortgage lending services, loan servicing and loan loss mitigation, financial services, namely providing qualified intermediary services in 1031 exchanges, financial advice and consultation related to mortgage loan transfers, mortgage loan acquisitions, mortgage loan valuations and mortgage loan securitizations; mortgage loan servicing; commercial and residential real estate acquisition, operations, management, development, sales and listings; mortgage loan transfers, acquisitions, valuations, securitizations and servicing, mortgage loan servicing right transfers, acquisitions and valuations, mortgage brokerage." (Application Number, 78/829,86)

9. As previously stated, the marks filed by both Applicant and Opposer are substantially different, consumers merely looking at the marks will not be confused. While both marks share sails as a common element, taken as a whole they are distinctively different and will not mislead consumers to believe that there is an affiliation.

WHEREFORE, Applicant Bayview Management, LLC, respectfully requests that the opposition be rejected and the Applicant's registration proceed.

Respectfully submitted,

Bayview Management, LLC



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