

ESTTA Tracking number: **ESTTA156563**

Filing date: **08/13/2007**

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

Proceeding	91178223
Party	Defendant Black Box, Inc.
Correspondence Address	MATTHEW MILLER LAW OFFICES OF MATTHEW MILLER, APC 5900 LA PLACE CT STE 100 CARLSBAD, CA 92008-8832 victoria@mandclaw.com
Submission	Answer
Filer's Name	Victoria Newland
Filer's e-mail	victoria@mandclaw.com
Signature	/Victoria Newland/
Date	08/13/2007
Attachments	6008.4.1.Answer.Notice.Opp.ZERO.pdf (4 pages)(13411 bytes)

5. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of paragraph 5 of the Notice of Opposition and therefore denies them.

6. Applicant admits that it filed an application for registration of Applicant's mark on June 6, 2006, and Applicant further admits that it has not filed an Amendment to Allege Use. Applicant denies that the application was filed based on Section 1b of the Trademark Act, and Applicant further denies that priority of use is resolved in favor of Opposer.

7. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of paragraph 7 of the Notice of Opposition and therefore denies them.

8. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of paragraph 8 of the Notice of Opposition and therefore denies them.

9. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of paragraph 9 of the Notice of Opposition and therefore denies them.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

AFFIRMATIVE DEFENSES

1. The Notice of Opposition fails to state a claim upon which relief can be granted.
2. There is no likelihood of confusion, mistake or deception between Opposer's mark and Applicant's mark.
3. Opposer has failed to police its POINT ZERO mark.
4. Opposer's marks are not famous and Applicant's use of its mark will not dilute Opposer's marks.
5. Opposer's Opposition is barred under the doctrine of laches.
6. Opposer's Opposition is barred under the doctrine of waiver.
7. Opposer's Opposition is barred under the doctrine of estoppel.
8. Opposer's Opposition is barred under the doctrine of acquiescence.

WHEREFORE, Applicant denies that Opposer is entitled to any of the relief sought and requests that the opposition be dismissed.

Respectfully submitted,

BLACK BOX, INC.

Dated: August 13, 2007

By: /Victoria Newland/
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CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Answer to Notice of Opposition was served via first class mail on the attorney for the Opposer, Dax Alvarez, Esq., Blakely Sokoloff Taylor & Zafman LLP, 12400 Wilshire Boulevard, Suite 700, Los Angeles, CA 90025-1040 on this 13th day of August, 2007.

Date: August 13, 2007

/Victoria Newland/
By: _____
VICTORIA NEWLAND
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Attorneys for Applicant,
BLACK BOX, INC.