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

Proceeding	91179074
Party	Defendant Ascentia Capital Partners, LLC
Correspondence Address	Ascentia Capital Partners, LLC 9408 Double R Blvd., Suite B Reno, NV 89521 UNITED STATES
Submission	Answer
Filer's Name	Matthew Francis
Filer's e-mail	mfrancis@watsonrounds.com
Signature	/Matthew Francis/
Date	11/21/2007
Attachments	Answer to Opposition.pdf (3 pages)(186815 bytes)

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

In the Matter of Application Serial No. 78938805
Published in the Official Gazette on April 4, 2007

ASCENCIA BANK, INC., Opposer, v. ASCENTIA CAPITAL PARTNERS, LLC., Applicant.	Opposition No. 91179074

ANSWER TO OPPOSITION

Applicant Ascentia Capital Partners, LLC.[1] ("Applicant"), hereby answers the Opposition of Opposer Ascencia Bank, Inc. ("Opposer") as follows:

1. Admitted to the extent that U.S. Trademark Application Serial No. 78938805 speaks for itself.

2. Admitted.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment, and therefore denies the same.

4. Admitted to the extent that Opposer is the listed registrant for U.S. Registration No. 2,751,198 for the mark ASCENCIA BANK for banking services. Otherwise, Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment, and therefore denies the same.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment, and therefore denies the same.

6. Applicant is without knowledge or information sufficient to form a belief as to the

[1]The caption of Opposer's Notice of Opposition is incorrect since it lists "Preferred One, Inc." as the Applicant.

truth of this averment, and therefore denies the same.

7. Denied.

8. Denied.

9. Denied.

10. Denied.

11. Admitted to the extent that if Applicant is granted registration of the Ascentia mark, Applicant would obtain at least a prima facie exclusive right to the use of the Ascentia mark. Otherwise, denied.

12. Denied.

AFFIRMATIVE DEFENSES

1. Opposer's Opposition fails to state a claim upon which relief can be granted.

2. There is no likelihood of confusion between the parties' respective marks.

3. Opposer's claims are barred by the doctrine of waiver.

4. Opposer's claims are barred by the doctrine of estoppel.

5. Opposer's claims are barred by the doctrine of acquiescence.

6. Opposer's claims are barred by the doctrine of unclean hands.

7. Applicant reserves the right to amend its Answer to allege additional affirmative defenses if subsequent investigation warrants the same.

WHEREFORE, Applicant prays for dismissal of Opposers' Opposition and granting registration of Serial No. 78938805.

Dated: November 21, 2007

Respectfully Submitted,

By: _____

Matthew D. Francis
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5371 Kietzke Lane
Reno, Nevada 89511
(775) 324-4100

Attorneys for Applicant
Ascentia Capital Partners, LLC

CERTIFICATE OF SERVICE

I certify that I am an employee of the Law Offices of Watson Rounds, a Professional Corporation, and on this day I deposited a true and correct copy in the United States mail, first class postage prepaid, of the within document entitled **Answer to Opposition**, addressed as follows:

Scott W. Johnston
Merchant & Gould, P.C.
P.O. Box 2910
Minneapolis, MN 55402-0910

Dated: November 21, 2007

Carla Ousby

Carla Ousby