

ESTTA Tracking number: **ESTTA174693**

Filing date: **11/14/2007**

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

Proceeding	91179897
Party	Defendant Bristol Technologies, Inc.
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Date	11/14/2007
Attachments	answer071114.pdf (6 pages)(121310 bytes)

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

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Information Builders, Inc.

Opposer,

Opposition No. 91179897

v.

Serial No. 78954755

Bristol Technologies, Inc.,

Applicant

-----X

APPLICANT'S ANSWER

Applicant, Bristol Technologies, Inc., hereinafter Applicant, upon knowledge and belief, denies that Opposer, Information Builders, Inc., a corporation of the State of New York will be damaged by registration of the mark "Bristol Focus" as identified by application number 78/954,755. Further, based on knowledge and belief, Applicant denies or admits the alleged grounds for this opposition, as follows:

Alleged Ground 1) Opposer produces and markets computer software for data base management, for use in decision support systems, and for information control, reporting, and networking, including designing, building, and maintaining databases and provides to its customers support services including education in the use of software, and technical support and consultation in connection with implementation and installation of the software.

Applicant's Answer 1) Applicant neither denies nor admits this allegation. Applicant has insufficient knowledge of the nature, quantity, and type of products or services produced or offered by Opposer to admit or deny this allegation.

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Alleged Ground 2) Since 1975, Opposer has been marketing its software under the trademark "Focus" to computer users in a wide variety of industries, and Opposer has registered its trademark in the Patent and Trademark Office under nos. 1,652,265; 2,606,298; and 2,821,942.

Applicant's Answer 2) Applicant neither denies nor admits this allegation. Applicant has insufficient knowledge of the nature, quantity, and type of products or services produced or offered by Opposer, to admit or deny this allegation. However, upon knowledge and belief Opposer has abandoned use of any of its marks used in conjunction with goods and services sufficiently closely related to the goods and services of Applicant as to cause likelihood of confusion or dilution.

Alleged Ground 3) In the early 1980's Opposer began marketing its software under various trademarks including the word FOCUS. Opposer is the owner of the following

Applicant's Answer 3) Applicant neither denies nor admits this allegation. Applicant has insufficient knowledge of the nature, quantity, and type of products or services produced or offered by Opposer, to admit or deny this allegation. However, upon knowledge and belief Opposer has abandoned use of any of its marks used in conjunction with goods and services sufficiently closely related to the goods and services of Applicant as to cause likelihood of confusion or dilution.

Alleged Ground 4) Opposer sells computer software enabling users, via the Internet to manage data using applicant's FOCUS Software.

Applicant's Answer 4) Applicant neither denies nor admits this allegation. Applicant has insufficient

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knowledge of the nature, quantity, and type of products or services produced or offered by Opposer, to admit or deny this allegation.

Alleged Ground 5) Opposer sells computerized instruction and training courses, accompanied by related printed materials, for teaching the use of FOCUS software.

Applicant's Answer 5) Applicant neither denies nor admits this allegation. Applicant has insufficient knowledge of the nature, quantity, and type of products produced or offered by Opposer, to admit or deny this allegation.

Alleged Ground 6) Opposer has published a magazine entitled FOCUS SYSTEMS JOURNAL, and newsletters entitled "FOCUS NEWS and FOCUS FLASH, distributed to computer users, as well as an online magazine entitled "The FOCUS Quarterly", and currently publishes WEBFOCUS Journal.

Applicant's Answer 6) Applicant neither denies nor admits this allegation. Applicant has insufficient knowledge of the nature, quantity, and type of products or services produced or offered by Opposer, to admit or deny this allegation.

Alleged Ground 7) Opposer established "The FOCUS User Group" (FUSE) to which its customers belong, and this group holds annual conferences to which representatives of those who use FOCUS software attend educational workshops, see product demonstrations, and otherwise exchange information about FOCUS software.

Applicant's Answer 7) Applicant neither denies nor admits this allegation. Applicant has insufficient knowledge of the nature, quantity, and type of products or

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services produced or offered by Opposer, to admit or deny this allegation.

Alleged Ground 8) Applicant seeks to register BRISTOL FOCUS for "Computer Operating Programs; Computers and instructional manuals sold as a unit; Operating system programs.

Applicant's Answer 8) Applicant admits this allegation. Applicant seeks registration of its Mark "Bristol Focus" in International Class 009: Computer operating programs; Computers and instructional manuals sold as a unit; Operating system programs

Alleged Ground 9) Upon information and belief, Applicant's goods are so closely related to Opposer's software, the printed and on-line materials distributed by Opposer, and Opposer's services, that use of similar marks on the respective goods and services of the parties is likely to cause confusion or mistake, or to deceive purchasers as to the origin of the goods and services.

Applicant's Answer 9) Applicant denies this allegation. Applicant's mark "Bristol Focus" is sufficiently distinct from Opposer's marks as to obviate likelihood of confusion or dilution and the goods and services offered by Applicant are sufficiently different from those of Opposer as to obviate likelihood of confusion or dilution. Upon knowledge and belief Opposer has abandoned use of any of its marks used in conjunction with goods and services sufficiently closely related to the goods and services of Applicant as to cause likelihood of confusion or dilution.

Alleged Ground 10) Upon information and belief, the registration by applicant of BRISTOL FOCUS for goods

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closely related to Opposer's goods and services will impair Opposer's free use of its trademark, and will dilute the distinctive quality of Opposer's famous "Focus" trademarks, which became famous prior to Applicant's first use date, and will result in injury to the good will Opposer has acquired with respect its Trademark, all to Opposer's damage.

Applicant's Answer 10) Applicant denies this allegation. Applicant's mark "Bristol Focus" is sufficiently distinct from Opposer's marks as to obviate likelihood of confusion or dilution and the goods and services offered by Applicant are sufficiently different from those of Opposer as to obviate likelihood of confusion or dilution. Upon knowledge and belief Opposer has abandoned use of any of its marks used in conjunction with goods and services sufficiently closely related to the goods and services of Applicant as to cause likelihood of confusion or dilution.

Wherefore, Applicant prays that the registration for which application has been made be allowed and that this opposition be denied.

Bristol Technologies, Inc.

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It is hereby certified that a copy of the foregoing
Answer to the Notice of Opposition of October 5, 2007 has
been forwarded, This November 14, 2007 by first class mail
to:

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