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

Proceeding	91183770
Party	Defendant Brilliant Ascent Development Limited
Correspondence Address	JAMES M SLATTERY PO BOX 747 FALLS CHURCH, VA 22040-0747 mailroom@bskb.com
Submission	Answer
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Date	06/06/2008
Attachments	Answer to Opposition.pdf (5 pages)(76439 bytes)

BOX TTAB – NO FEE
TRADEMARK
3547-0105L

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

IN THE TRADEMARK APPLICATION OF

Application No.: 78/847,172
Filed: March 27, 2006
Mark: MOBIN
Classes: 9

Published in the Official Gazette
Dated February 26, 2008

Mobi Technologies, Inc.)
David Naghi,)
Opposer,)
)
v.)
)
Brilliant Ascent Development)
Limited,)
Applicant.)

Opposition No.: 91183770

ATTENTION: BOX TTAB

ANSWER

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

June 6, 2008

Sir:

Applicant, Brilliant Ascent Development Limited (hereafter "Applicant"), a Hong Kong corporation with offices located at 414 Kwun Tong Road, 4th Floor, WKK Building, Kowloon, Hong Kong, hereby answers the Notice of Opposition filed by Opposer, Mobi Technologies, Inc./David Naghi (hereafter "Opposer"), a California corporation, having a business address of 7635 San Fernando Road,

Suite A, Burbank, California 91505, in connection with the above-identified Notice of Opposition as follows.

Statement of Opposition to Registration of "MOBIN"

I.

The Existing Registrations

1. Applicant lacks the knowledge or information sufficient to form a belief as to the truth of any of the allegations in paragraph 1 of the Statement of Opposition and needs Opposer to prove that they are the owner of U.S. Trademark Registration No. 3,109,709, on page 1 and in the first two lines of page 2 of the Statement of Opposition.
2. Applicant lacks the knowledge or information sufficient to form a belief as to the truth of any of the allegations in the second and third paragraphs on page 2 of the Statement of Opposition and needs Opposer to prove that they are the owner of U.S. Trademark Registration No. 3,365,795.
3. Applicant lacks the knowledge or information sufficient to form a belief as to the truth of any of the allegations in the last paragraph on page 2 and the first paragraph on page 3 of the Statement of Opposition and

needs Opposer to prove that they are the owner of U.S. Trademark Registration No. 3,004,111.

4. Applicant admits the facts set forth on the second and third paragraphs on page 3 and the first paragraph on page 4 of the Statement of Opposition alleged by the Opposer except that the Applicant's mark is not a word mark but a composite mark.

II.

Applicant's Mark is Likely to Cause Confusion with Prior Registered Marks as to the Source of the Goods.

- A. Applicant's Word Mark is Nearly Identical to Registrant's Marks.
5. Denied.
- B. Applicant's Goods are largely identical to Opposer's Prior Registered Goods.
6. Denied.
- C. Applicant's Goods are Sold in the Same Channels of Trade as are Opposer's Goods.
7. Denied.
- D. The Likelihood of Confusion is Great.
8. Denied.

III.

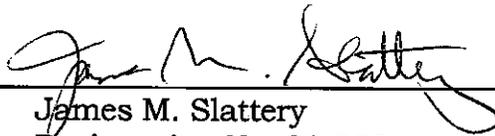
As Opposers will be harmed by the Registration of Applicant's mark,

Applicant's Registration must be denied.

9. Denied.

Respectfully submitted,

Brilliant Ascent Development Limited

By: 

James M. Slattery

Registration No. 28,380

Attorney for Applicant

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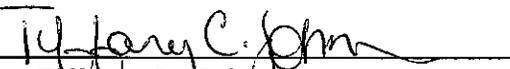
JMS/BG/adt

CERTIFICATE OF SERVICE

It is hereby certified that a true and correct copy of the foregoing Answer to the Statement of Opposition has been served upon counsel for the Opposer:

Mobi Technologies, Inc., David Naghi
7635 San Fernando Road, Suite A
Burbank, CA 91505
jstein@frlawcorp.com

via first-class mail, postage prepaid, on this 6th day of June, 2008.

By 
Tiffany C. Johnson