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

Proceeding	91187990
Party	Defendant Epic River, LLC
Correspondence Address	Craig Neugeboren Suite 200 1227 Spruce Street Boulder, CO 80302 UNITED STATES craig@neugeborenlaw.com
Submission	Answer
Filer's Name	Craig Neugeboren
Filer's e-mail	craig@neugeborenlaw.com
Signature	/Craig Neugeboren/
Date	03/10/2009
Attachments	Answer to Notice of Opposition - 91187990.pdf (4 pages)(87445 bytes)

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

Epic River LLC

Opposer,

Opposition No. 91187990

v.

Epic Systems, Inc.

Serial Nos. 77331005

Applicant

ANSWER

Epic River LLC ("Applicant"), hereby answers the Notice of Opposition filed on December 3, 2008.

Applicant admits that Serial No. 77331005 was filed on November 15, 2007 for the mark EPIC RIVER & DESIGN for “developing and designing software for others for miscellaneous business solutions.” Applicant denies that Opposer will be damaged by the registration of the mark in Application No. 77331005. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of the preamble paragraphs of the opposition and therefore Applicant denies those allegations.

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph of the opposition and therefore Applicant denies those allegations.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph of the opposition and therefore Applicant denies those

allegations.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph of the opposition and therefore Applicant denies those allegations.

4. Admitted.

5. Applicant admits that the challenged application lists November 11, 2005 as the first use and first use in commerce dates but denies the remaining allegations in this paragraph.

6. Applicant admits that the challenged application lists November 11, 2005 as the first use and first use in commerce dates but denies the remaining allegations in this paragraph.

7. Denied.

8. Denied.

9. No response is required to this statement as it does not constitute an allegation to which a response is legally required.

Applicant otherwise denies that Opposer is entitled to any relief in this action.

Affirmative Defenses

10. Opposer's claims are barred by the doctrine of laches.

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

12. Opposer has acquiesced to the registration of Applicant's mark.

13. Applicant's prior registration No. 3,205,090 registered on February 6, 2007, serves as a bar to Opposer's claims.

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

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

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed with prejudice.

Respectfully submitted,

Dated: March 10, 2009

By: /Craig Neugeboren/
Craig A. Neugeboren
NEUGEBOREN O'DOWD PC
1227 Spruce Street, Suite 200
Boulder, CO 80302
720-536-4900 phone
720-536-4910 fax

Attorneys for Opposer

Certificate of Service

I certify that on March 10, 2009 I had the attached document emailed to the following addresses pursuant to a stipulation with said counsel to serve such documents electronically:

carla.calcagno@hklaw.com
CARLA C. CALCAGNO
HOLLAND & KNIGHT
2099 PENNSYLVANIA AVE NW
WASHINGTON, DC 20006-6800

Craig Neugeboren

/Craig Neugeboren/