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

Proceeding	91196445
Party	Defendant NAGUIT, JONATHAN A.
Correspondence Address	NAGUIT, JONATHAN A. 389 ARDEN AVE UNIT 1 GLENDALE, CA 91203-4070 jojo_naguit@yahoo.com
Submission	Answer
Filer's Name	Rick Ruz, Esq.
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Signature	/Rick Ruz/
Date	09/16/2010
Attachments	Penskei Motor Oil Answer.pdf (4 pages)(51610 bytes)

3. Applicant has insufficient knowledge or information to admit or deny the allegations contained in Paragraph 3 of the Opposition, and on that basis denies Opposer's allegations.
4. Applicant has insufficient knowledge or information to admit or deny the allegations contained in Paragraph 4 of the Opposition, and on that basis denies Opposer's allegations.
5. Applicant has insufficient knowledge or information to admit or deny the allegations contained in Paragraph 5 of the Opposition, and on that basis denies Opposer's allegations.
6. Applicant denies the allegations contained in Paragraph 6 of the Opposition.
7. Applicant admits that he has previously filed two applications for PENSKE TOOLS (Ser. No. 77/863250) and PENSKE OIL (Ser. No. 77/847600) and denies the remaining allegations contained in Paragraph 7 of the Opposition.
8. Applicant admits that he received a letter from Opposer on or about November 25, 2009, and that on December 15, 2009, via a former counsel, Applicant sent a response letter to Opposer in an attempt to settle the issues contained in Opposer's November 25, 2009, correspondence, and denies the remaining allegations contained in paragraph 8 of the opposition.
9. Applicant admits that he filed an intent-to-use trademark application for the trademark PENSKEI MOTOR OIL and denies the remaining allegations contained in paragraph 9 of the opposition.

10. Applicant has insufficient knowledge or information to admit or deny the allegations contained in Paragraph 10 of the Opposition, and on that basis denies Opposer's allegations.
11. Applicant denies the allegations contained in Paragraph 11 of the Opposition.
12. Applicant denies the allegations contained in Paragraph 12 of the Opposition.
13. Applicant denies the allegations contained in Paragraph 13 of the Opposition.
14. Applicant denies the allegations contained in Paragraph 14 of the Opposition.
15. Applicant denies the allegations contained in Paragraph 15 of the Opposition.

Except as specifically admitted, Applicant denies all allegations in the Opposition and further denies that Opposer is entitled to any relief requested.

AFFIRMATIVE DEFENSES

Applicant sets forth its separate and affirmative defenses to this Opposition. Applicant presently lacks information and belief as to whether it may have additional as yet unstated, affirmative defenses available, and therefore reserves the right to assert such additional affirmative defenses.

FIRST AFFIRMATIVE DEFENSE

The Notice of Opposition, and each paragraph thereof, taken individually or collectively, fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Applicant's mark differs from Opposer's mark in sound, appearance, connotation, and commercial impression.

