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

Proceeding	91196493
Party	Defendant Evans, Jay A Jr
Correspondence Address	EVANS, JAY A JR SYNCRON TECHNOLOGIES PO BOX 1501 DUNEDIN, FL 34697-1501 j@artfulattorney.com
Submission	Answer
Filer's Name	Jowita L. Wysocka, Esq.
Filer's e-mail	j@artfulattorney.com
Signature	/Jowita L. Wysocka/
Date	11/24/2010
Attachments	Ans to TM Opp.pdf (5 pages)(79146 bytes)

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

In re Application of Jay A. Evans D/B/A Synchron Technologies

Application No.: 85001358
Filed: March 29, 2010
Mark: SYNCRON TECHNOLOGIES INC. (Stylized)

Synchron International AB, a Swedish corporation,	:	
	:	
Opposer,	:	
	:	
	:	
v.	:	Serial No.: 85001358
	:	Opposition No.: 91196493
	:	
Jay A. Evans D/B/A Synchron Technologies, an individual,	:	
	:	
	:	
Applicant.	:	

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Applicant, Jay A. Evans D/B/A Synchron Technologies, an individual and sole owner, president, and director of Synchron Technologies, Inc., for his answer to the Notice of Opposition filed by Synchron International AB against application for registration of Applicant’s trademark Synchron Technologies Inc., Serial No. 85001358 filed March 29, 2010 and published in the Official Gazette of August 31, 2010, pleads and avers as follows:

1. Answering paragraph 1 of the Notice of Opposition, Applicant admits the allegations thereof.
2. Answering paragraph 2 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

3. Answering paragraph 3 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

4. Answering paragraph 4 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

5. Answering paragraph 5 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

6. Answering paragraph 6 of the Notice of Opposition, Applicant admits the allegations thereof with respect to the date, name, identification, and publication of his application. Applicant denies that the mark is nearly identical.

7. Answering paragraph 7 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

8. Answering paragraph 8 of the Notice of Opposition, Applicant admits the allegations thereof.

9. Answering paragraph 9 of the Notice of Opposition, Applicant admits the allegations thereof.

10. Answering paragraph 10 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

11. Answering paragraph 11 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

12. Answering paragraph 12 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

13. Answering paragraph 13 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

14. Answering paragraph 14 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

15. Answering paragraph 15 of the Notice of Opposition, Applicant admits the allegations thereof.

16. Answering paragraph 16 of the Notice of Opposition, Applicant admits the allegations thereof.

17. Answering paragraph 17 of the Notice of Opposition, Applicant admits the allegation that Applicant is an individual. Applicant denies all other allegations.

18. Answering paragraph 18 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

19. Answering paragraph 19 of the Notice of Opposition, Applicant admits the allegations thereof.

20. Answering paragraph 20 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

21. Answering paragraph 21 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

22. Applicant further affirmatively alleges that as a result of his continuous substantial usage of his mark Synchron Technologies since adoption, this mark is a valuable asset of Applicant

and carries considerable goodwill and consumer acceptance of his services provided under the mark. Such goodwill and widespread usage has made the mark distinctive to the Applicant.

23. Applicant further affirmatively alleges that there is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's mark and the pleaded marks of Opposer are not confusingly similar. Any trademark or service mark rights that Opposer may have are narrowly circumscribed to the goods or services indicated: business management services, namely managing supply flow logistics, and any other use would not lead to a likelihood of confusion.

24. Applicant further affirmatively alleges that Applicant has been using his mark and developing consumer recognition and goodwill in his mark for approximately 6 years, during which time Opposer has done nothing and is consequently barred by laches, acquiescence and estoppel from opposing Applicant's application.

25. Applicant further affirmatively alleges that there is no likelihood of mistake, confusion, deception, or false association between Opposer's mark and Applicant's mark because Opposer's mark is associated with the design of global supply chain management software, whereas Applicant's mark is associated with providing computer services such as maintenance and repair.

WHEREFORE, Applicant requests that the notice of opposition be dismissed.

Respectfully submitted,

JAY A. EVANS, JR.

Date: November 24, 2010

By: Jowita L. Wysocka/
Jowita L. Wysocka, Esq.
Artful Attorney, LLC
P.O. Box 2091
St. Petersburg, FL 33731
(727) 823-5809 t | (413) 826-5809 f
j@artfulattorney.com
Attorney for Applicant

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is addressed to the Trademark Trial and Appeal Board, Hon. Commissioner for Trademarks, P.O. Box 1451, Alexandria, Virginia 22313-1451, and is being deposited via the Electronic System for Trademark Trials and Appeals (ESTTA) on November 24, 2010.

/Jowita L. Wysocka/
Jowita L. Wysocka, Esq.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Applicant's Answer to Notice of Opposition has been served on opposing counsel by mailing said copy on November 24, 2010, via First Class Mail, postage prepaid to:

Timothy D. Pecsénye
John Paul Oleksiuk
Blank Rome LLP
One Logan Square
130 North 18th Street
Philadelphia, PA 19103-6998

/Jowita L. Wysocka/
Jowita L. Wysocka, Esq.