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Filing date: **01/28/2011**

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

| | |
|---------------------------|--|
| Proceeding | 91197969 |
| Party | Defendant Tian, Lawrence Yuan |
| Correspondence Address | THOMAS P. PHILBRICK ALLMARK TRADEMARK 4041 SUGAR MAPLE DR STE A DANVILLE, CA 94506-4640 allmarktrademark@gmail.com |
| Submission | Answer |
| Filer's Name | John J. Leagh, Esq. |
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| Signature | /johnleagh/ |
| Date | 01/28/2011 |
| Attachments | CIFCO Answer to Notice of Opposition.pdf (5 pages)(682692 bytes) |

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

CISCO TECHNOLOGY, INC.

OPPOSER,

Vs.

TIAN, LAWRENCE YUAN,

APPLICANT.

Opposition No. 91197969

Mark: CIFCO

Application Serial No. 85/005,441

Filing Date: April 2, 2010

ANSWER TO NOTICE OF OPPOSITION

Lawrence Yuan Tian (“Applicant”), a citizen of People’s Republic of China having his business address at 13620 38th Avenue, Suite 11B, Flushing, NY 11354, states and alleges, upon actual knowledge with respect to his own acts and upon information and belief with respect to the acts of assertions of Cisco Technology, Inc. (“Opposer”), the following ANSWER to the NOTICE OF OPPOSITION to registration of the mark CIFCO (U.S. Trademark Application Serial No. 85/005,441)(“Applicant’s Mark”).

1. Applicant denies each and every allegation in the Notice of Opposition, except as specifically admitted, qualified or otherwise answered herein. Applicant objects the Opposer’s misrepresentation in paragraph 3 that the application is similar to Opposer’s alleged CISCO marks, and that the applicant simply replaced the “S” with an “F”.

2. Applicant is without sufficient knowledge or information either to admit or to deny the allegations set forth in paragraph 1 of the Notice of Opposition with the exception that

he has filed his application on April 2, 2010 based on Applicant's intent to use the mark for "Securities brokerage; Brokerage houses in the field of stocks, commodities, and futures; Brokerage for trading of options".

3. Applicant is without knowledge or information either to admit or to deny the allegations set forth in paragraph 2 of the Notice of Opposition and therefore denies the same.

4. Applicant denied the allegations set forth in paragraph 3 of the Notice of Opposition. Applicant is without knowledge or information either to admit or to deny the allegations set forth in paragraph 3 of the Notice of Opposition and therefore denies the same. Applicant further objects the Opposer's misrepresentation in paragraph 3 that the application is similar to Opposer's alleged CISCO marks, and that the Applicant simply replaced the "S" with an "F". Applicant specifically denies that the respective marks are similar in design and related nature of services offered; and that the CIFCO mark will likely to cause confusion or mistake or to deceive, and to dilute the distinctive quality of Opposer's alleged CISCO marks.

5. Applicant is without sufficient knowledge or information either to admit or to deny the allegations set forth in paragraph 4 of the Notice of Opposition and therefore denies the same.

6. Applicant is without sufficient knowledge or information either to admit or to deny the allegations set forth in paragraph 5 of the Notice of Opposition and therefore denies the same.

AFFIRMATIVE DEFENSES

In further answer to the Notice of Opposition, applicant asserts that:

FIRST AFFIRMATIVE DEFENSE

7. The Notice of Opposition fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

8. Applicant's CIFCO mark, U.S. registration serial No. 85/005,441, is distinctively different from Opposer's alleged CISCO marks in appearance, sound, connotation, services provided, and resulting mental impression.

THIRD AFFIRMATIVE DEFENSE

9. Applicant's CIFCO mark, U.S. registration serial No. 85/005,441, is not likely to cause confusion, mistake, or to deceive with regard to Opposer's alleged CISCO marks.

FOURTH AFFIRMATIVE DEFENSE

10. Applicant's CIFCO mark, U.S. registration serial No. 85/005,441, to be used in connection with Applicant's services is not likely to cause confusion, mistake, or to deceive consumers as to the origin, sponsorship, or approval of Applicant's services by Opposer, or the existence of any affiliation, connection or partnership between Applicant and Opposer.

FIFTH AFFIRMATIVE DEFENSE

11. Applicant's services provided for which the CIFCO mark, U.S. registration serial No. 85/005,441, to be used are incomparably and distinctively different from those offered by Opposer under its alleged CISCO marks.

FIFTH AFFIRMATIVE DEFENSE

12. Applicant does not intend to use his CIFCO mark for any other services except the classification sought in the application.

SIXTH AFFIRMATIVE DEFENSE

13. On information and belief, Opposer's alleged CISCO marks are not used for Applicant's services to be provided.

SEVENTH AFFIRMATIVE DEFENSE

14. On information and belief, the channels of trade utilized by Applicant and Opposer are not the same or are of such nature that confusion is unlikely.

EIGHTH AFFIRMATIVE DEFENSE

15. On information and belief, the relevant clients of Applicant's services to be offered and the consumers of Opposer are likely to be sufficiently sophisticated and knowledgeable in the marketplace as to avoid any likelihood of confusion.

16. On information and belief, the respective services to be offered by Applicant, and allegedly by Opposer, are distinctively different and are not in the same market, industry and/or area of expertise and it will most likely not result in confusion.

NINTH AFFIRMATIVE DEFENSE

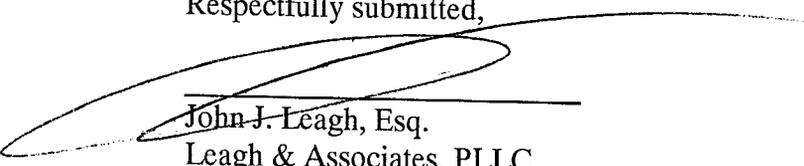
17. On information and belief, Opposer is not likely to suffer any loss, damage, or injury as a result of Applicant's use and registration of CIFCO mark, U.S. registration serial No. 85/005,441, in connection with Applicant's services.

18. Applicant reserves the right to add additional defense(s) as investigation and discovery proceed in this action.

WHEREFORE, Applicant respectfully requests that Opposition No. 91197969 be dismissed with prejudice in its entirety.

Dated this 26 day of January, 2011.

Respectfully submitted,


John J. Leagh, Esq.
Leagh & Associates, PLLC
Attorneys for Applicant
13620 38th Avenue, Suite 11B
Flushing, NY 11354
(718) 353-8830

PROOF OF SERVICE BY CERTIFIED MAIL

I, Jay S. Lu, under the penalty of perjury, declare that:

I am over eighteen years old and am not a party of the within cause; my business address is 13620 38th Avenue, Suite 11B, Flushing, NY 11354. On January 26th, 2011, I served the within ANSWER TO NOTICE OF OPPOSITION upon the interested parties in said cause, by placing a true copy thereof enclosed in a sealed envelope, fully prepaid with postage, via U.S. First Class Certified Mail Return Receipt Requested to a post office under exclusive care and custody of the United States Postal Service within New York State, addressed to:

Cisco Technology, Inc.
c/o: Sally M. Abel, Esq.
Kiran K. Belur, Esq.
Fenwick & West LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041

I declare that the forgoing is true and correct, and that this affidavit was executed in Queens, New York, on the 26th day of January, 2011.


Jay S. Lu

Sworn to before me on this
28th day of January, 2011


Notary Public

JOHN J. LEAGH
Notary Public, State of New York
No. 41-4981300
Qualified in Suffolk County
Commission Expires May 6, 2014

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Sent To: Cisco Technology, Inc.
Sally M. Abel, Esq., Kiran K. Belur, Esq., Fenwick & West LLP
Street, Apt. No.; or PO Box No. 801 California Street, Silicon Valley Center
City, State, ZIP+4 Mountain View, CA 94041

PS Form 3800, June 2002 See Reverse for Instructions