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Filing date: **05/12/2011**

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

| | |
|------------------------|---|
| Proceeding | 91198465 |
| Party | Defendant Keller Associates Network, Inc. |
| Correspondence Address | BRUCE T MARGULIES NEIFELD IP LAW PC 4813 B EISENHOWER AVENUE ALEXANDRIA, VA 22304 UNITED STATES bmargulies@neifeld.com |
| Submission | Answer |
| Filer's Name | Bruce T. Margulies |
| Filer's e-mail | bmargulies@neifeld.com |
| Signature | /BTM/ |
| Date | 05/12/2011 |
| Attachments | Answer_5-12-2011.pdf (4 pages)(69101 bytes) |

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

In the matter of Trademark Opposition No. 91198465

Paxanic Tazoka, LLC

v.

Keller Associates Network, Inc.

APPLICANT'S ANSWER

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Now comes the Applicant, Keller Associates Network, Inc., who answers the grounds for opposition as follows:

1. Admitted, based upon information and belief.
2. Admitted.
3. The applicant does not presently have sufficient knowledge and cannot Admit or Deny.
4. Admitted.
5. The applicant does not presently have sufficient knowledge and cannot Admit or Deny.
6. Denied.
7. Denied.
8. Denied.
9. The facts speak for themselves.
10. Denied.
11. Denied.
12. Denied.
13. Denied.
14. Denied.
15. Denied.
16. Admitted, based upon information and belief.
17. Denied.
18. It is the applicant's belief that the applicant's mark does not interfere with the opposer's mark, nor is the applicant's mark likely to cause confusion with the opposer's mark.

Affirmative Defenses

1. Opposer fails to state a claim upon which relief may be granted.
2. Opposer cannot demonstrate any likelihood that the public will be confused or misled as

to the source of Applicant's goods, or that Applicant's goods are associated with, or endorsed by, Opposer.

3. The proposed mark is descriptive of the subject matter of the services, i.e., profit based on or as it relates to market volume. Market volume and profit are related issues, in that market volume can affect profit. The applicant's services include business consultation and related services. The proposed mark clearly describes the subject matter of these services.

4. The opposer admitted that it does not intend to use the proposed mark in connection with sales or income. Based on the descriptiveness of the proposed mark in connection with distributorship services and other business services, if the relationship between market volume and profit is not a subject matter of the services, then the proposed mark is deceptively misdescriptive of the services.

Wherefore, the Applicant respectfully submits that the opposition be dismissed and that this opposition be sustained in favor of the Applicant and the Applicant's mark "MARKET AND PROFIT (Stylized)", Application no. 85/031,228, be permitted to proceed to registration.

Respectfully submitted,

/BTM/

Bruce T. Margulies

Attorney of Record for Applicant

5/12/2011

Date

Certificate of Service

I certify that on May 12, 2011 I caused a copy of the foregoing Applicant's Answer to be transmitted by First Class U.S. Mail to the Opposer at the following address:

KATHERINE M HOFFMAN
LUCE FORWARD HAMILTON & SCRIPPS LLP
600 WEST BROADWAY, SUITE 2600
SAN DIEGO, CA 92101
UNITED STATES

5/12/2011

Date

/BTM/

Bruce T. Margulies