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

Proceeding	91198504
Party	Defendant Vantium Capital, Inc.
Correspondence Address	Darin M. Klemchuk Klemchuk Kubasta LLP 8150 N Central Expressway, Suite 1150 Dallas, TX 75206 ipdocketing@kk-llp.com
Submission	Answer
Filer's Name	Shannon W. Bates
Filer's e-mail	ipdocketing@kk-llp.com, shannon.bates@kk-llp.com
Signature	/Shannon W. Bates/
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of application Serial No. 77/846,200
For the designation ACQURA
Published in the *Trademark Official Gazette* on August 10, 2010

HONDA MOTOR CO., LTD.	§	
	§	
Opposer,	§	
	§	
v.	§	Opposition No. 91198504
	§	
VANTIUM CAPITAL, INC. D/B/A ACQURA	§	
LOAN SERVICES,	§	
	§	
Applicant.	§	

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 2313-1451

**APPLICANT VANTIUM CAPITAL, INC. D/B/A ACQURA LOAN SERVICES’
ANSWER TO OPPOSER HONDA MOTOR CO., LTD.’S NOTICE OF OPPOSITION**

Applicant Vantium Capital, Inc. d/b/a Acqura Loan Services (“Vantium”), by and through its counsel, answers the allegations set forth in the Notice of Opposition (“Notice”) filed by Opposer Honda Motor Co., Ltd. (“Opposer”) as follows:

1. Vantium is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Notice and therefore denies the same.

2. Vantium is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 2 of the Notice and therefore denies the same.

3. Vantium admits that the date of first use stated in the opposed application is at least as early as April 7, 2008. Vantium is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 3 of the Notice and therefore denies the same.

4. Vantium admits that the date of first use stated in the opposed application is at least as early as April 7, 2008. Vantium denies any conclusions of law regarding the validity of Registration No. 2,365,656 for the mark ACURA CARE as identified in Paragraph 4 of the Notice. Vantium is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 4 of the Notice and therefore denies the same.

5. Vantium admits that the date of first use stated in the opposed application is at least as early as April 7, 2008. Vantium denies any conclusions of law regarding the validity of the registrations identified in Paragraph 5 of the Notice. Vantium is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 5 of the Notice and therefore denies the same.

6. Vantium admits that the date of first use stated in the opposed application is at least as early as April 7, 2008. Vantium is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 6 of the Notice and therefore denies the same.

7. Vantium denies the allegations and conclusions of law set forth in Paragraph 7 of the Notice.

8. Vantium denies any conclusions of law regarding the validity of Registration No. 3,702,836 for the mark ACURA FINANCIAL SERVICES as identified in Paragraph 8 of the Notice. Vantium is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 8 of the Notice and therefore denies the same.

9. Vantium is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 9 of the Notice and therefore denies the same.

10. Vantium admits the allegations set forth in Paragraph 10 of the Notice.

11. Vantium denies any conclusions of law regarding the fame of Opposer's alleged family of ACURA marks. Vantium is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations and conclusions of law set forth in Paragraph 11 of the Notice and therefore denies the same.

12. Vantium denies the allegations and conclusions of law set forth in Paragraph 12 of the Notice.

13. Vantium denies the allegations set forth in Paragraph 13 of the Notice.

14. Vantium is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 14 of the Notice and therefore denies the same. Vantium denies that the HONDA mark and trade name have any relevance to the present proceeding.

15. The Notice contains two consecutive paragraphs that are each labeled Paragraph 14, and this response is in answer to the second Paragraph 14. Vantium admits

that it seeks to register the mark ACQURA for financial services, namely, providing consultancy services in the areas of existing mortgage solutions and loan modifications. Vantium denies the remainder of the allegations and conclusions of law set forth in the second Paragraph 14 of the Notice.

16. Vantium denies the allegations and conclusions of law set forth in Paragraph 15 of the Notice.

17. Vantium denies the allegations and conclusions of law set forth in Paragraph 16 of the Notice.

18. Vantium denies the allegations and conclusions of law set forth in Paragraph 17 of the Notice.

19. Vantium denies the allegations and conclusions of law set forth in Paragraph 18 of the Notice.

20. Vantium denies each and every allegation contained in the Notice not specifically admitted herein

AFFIRMATIVE DEFENSES

1. Opposer's claims are barred by the doctrines of unclean hands and fraud as set forth in more detail in Vantium's Motion to Dismiss filed concurrently herewith. Opposer obtained Vantium's consent to file its third and final Extension of Time under false pretenses by offering Vantium a Co-Existence Agreement with reciprocal provisions that Opposer never intended to enter. Instead, Opposer used the additional time it obtained via the extension to prepare and file its Notice. Therefore, since the final

Extension of Time was obtained fraudulently, Opposer's Notice should be dismissed on the grounds that it was untimely filed and for lack of jurisdiction.

Vantium reserves the right to amend its Answer to assert any and all affirmative defenses as may be supported by the facts to be determined through full and complete discovery and to amend its Answer to assert such affirmative defenses.

WHEREFORE, Vantium denies that Opposer is entitled to the relief it seeks and Vantium affirmatively asserts that it is entitled to a registration of its ACQURA mark on the Principal Register of the United States Patent and Trademark Office. Therefore, Vantium requests:

- (1) the dismissal of Opposer's Opposition No. 91198504 with prejudice; and
- (2) that Vantium be rewarded such other and further relief as the Trademark Trial and Appeal Board deems proper.

Dated: March 21, 2011.

Respectfully submitted,

KLEMCHUK KUBASTA LLP



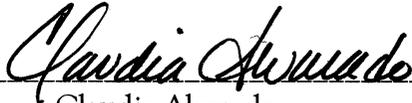
Shannon W. Bates
Roxana A. Sullivan
8150 N. Central Expressway, Suite 1150
Dallas, Texas 75048
Tel.: 214.367.6000
Fax: 214.367.6001
ipdocketing@kk-llp.com

ATTORNEYS FOR APPLICANT
VANTIUM CAPITAL INC. D/B/A
ACQURA LOAN SERVICES

CERTIFICATE OF TRANSMISSION UNDER TBMP 110

I HEREBY CERTIFY that the foregoing *Applicant Vantium Capital, Inc. d/b/a Accura Loan Services' Answer to Opposer Honda Motor Co., Ltd.'s Notice of Opposition* is being filed electronically through <http://estta.uspto.gov> via the Trademark Trial and Appeal Board Electronic Filing System

on Monday, the 21st day of March, 2011.



Claudia Alvarado

CERTIFICATE OF SERVICE UNDER TBMP 113

I HEREBY CERTIFY that a true and correct copy of the foregoing *Applicant Vantium Capital, Inc. d/b/a Accura Loan Services' Answer to Opposer Honda Motor Co., Ltd.'s Notice of Opposition* has been served by First Class U.S. Mail, postage prepaid, on Opposer's counsel at the correspondence address of record, as follows:

Erin M. Hickey
Fish & Richardson P.C.
P.O. Box 1022
Minneapolis, MN 55440-1022

on Monday, the 21st day of March, 2011.



Claudia Alvarado