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

Proceeding	91199085
Party	Defendant Reynolds Poulson Consulting, LLC
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Date	04/29/2011
Attachments	Applicant's Answer to Notice of Opposition.PDF ( 6 pages )(573544 bytes )

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

In the matter of:  
Mark : POLITICAL INTELLIGENCE  
Serial No. : 85/069894  
Publication Date : November 23, 2010

RamiroCanales,	)	
	)	
Opposer,	)	<b>Opposition No. 91199085</b>
	)	
v.	)	
	)	
Reynolds Poulson Consulting, LLC,	)	
	)	
Applicant.	)	
	)	
	)	

**APPLICANT'S ANSWER TO  
NOTICE OF OPPOSITION**

Commissioner for Trademarks  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

Reynolds Poulson Consulting, LLC ("Applicant"), by its attorneys, hereby answers the Notice of Opposition of RamiroCanales ("Opposer") as follows:

1. Applicant admits that Applicant's trademark application referenced above was published for opposition on November 23, 2010, and that Opposer filed two requests for extension to oppose. The remainder of Paragraph 1 is denied for lack of knowledge or information sufficient to form a belief as to its truth.

2. Paragraph 2 is denied for lack of knowledge or information sufficient to form a belief as to its truth.

3. Paragraph 3 is admitted.

4. Paragraph 4 is denied for lack of knowledge or information sufficient to form a belief as to its truth.

5. Paragraph 5 is denied for lack of knowledge or information sufficient to form a belief as to its truth.

6. Paragraph 6 is denied for lack of knowledge or information sufficient to form a belief as to its truth.

7. Paragraph 7 is denied for lack of knowledge or information sufficient to form a belief as to its truth.

8. Paragraph 8 is denied.

9. Paragraph 9 is denied for lack of knowledge or information sufficient to form a belief as to its truth.

10. Applicant admits that the TESS database shows a registration for "MyCapitol.com" owned by a Ramiro Canales, with a registration date of January 31, 2006. The remainder of Paragraph 10 is denied for lack of knowledge or information sufficient to form a belief as to its truth.

11. Paragraph 11 is denied for lack of knowledge or information sufficient to form a belief as to its truth.

12. Paragraph 12 is denied.

13. Whether a mark is suggestive, fanciful or arbitrary can only be determined with reference to the goods and/or services with which it is used. Paragraph 13 of Opposer's Notice of Opposition does not reference any goods or services. As to the composite mark "Political Intelligence" when used with the services specified in Applicant's above-reference application, Paragraph 13 is denied. The remainder of Paragraph 13 is denied for lack of knowledge or information sufficient to form a belief as to its truth.

14. Paragraph 14 is admitted.

15. Paragraph 15 is admitted. Specifically, Applicant denies its mark is descriptive, but admits it received an Office Action with the quotes listed in Paragraph 15.

16. Paragraph 16 is admitted.

17. Paragraph 17 is admitted.
18. Paragraph 18 is admitted.
19. Applicant incorporates its responses to Opposer's allegations made in Paragraphs 1-18 of Opposer's Notice of Opposition as if fully set forth herein.
20. Applicant admits that it disclaimed the word "Political" to facilitate the processing of its trademark application. The remainder of Paragraph 20 is denied.
21. Paragraph 21 is denied.
22. Paragraph 22 is denied.
23. Applicant incorporates its responses to Opposer's allegations made in Paragraphs 1-22 of Opposer's Notice of Opposition as if fully set forth herein.
24. Paragraph 24 is denied for lack of knowledge or information sufficient to form a belief as to its truth.
25. Applicant admits that its Certificate of Formation was filed with the Washington Secretary of State on June 15, 2009. The remainder of Paragraph 25 is denied for lack of knowledge or information sufficient to form a belief as to its truth.
26. The third sentence of Paragraph 26 is denied. The first and second sentences of Paragraph 26 is admitted. As allowed under 15 U.S.C. § 1055 and other applicable law and regulations, Applicant's dates of first use listed in its application are based on use of the mark by Applicant's predecessor entity, Stephanie Reynolds Consulting. Perhaps because the TEAS Plus application form does not contain a field for such statement, Applicant inadvertently omitted a statement to the effect that "the dates of first use specified in Applicant's application are based on use by a predecessor entity." Applicant has requested that Opposer stipulate to the addition of such a statement of Applicant's application; if Opposer refuses to do so, Applicant will bring a motion to amend its application to add such statement in the near future. The remainder of Paragraph 26 is denied.
27. The second sentence of Paragraph 27 is admitted. Applicant further admits that it, through its attorney, submitted an application for the mark "Political Intelligence" for educational services in Class 41 on June 23, 2010, claiming a date of first use anywhere of September 18, 2008. The explanation for such filing is the same as that in Paragraph 26 above. The remainder of Paragraph 27 is denied.
28. Paragraph 28 is denied.

### **AFFIRMATIVE DEFENSES**

In further answer to the Notice of Opposition, Applicant asserts the following affirmative defenses:

1. Applicant's marks is composite, unitary mark whose components create a single and distinct commercial impression and/or an inseparable whole.
2. Applicant's mark has acquired distinctiveness, and even if it was a descriptive mark as applied to Applicant's services, it is entitled to registration under Lanham Act Section 2(f).
3. Opposer lacks standing to pursue this opposition.
4. Opposer has no legitimate interest in the outcome of this proceeding, as its services are totally unrelated to Applicant's services.
5. Opposer has no legitimate interest in the outcome of this proceeding, because Opposer does not use and has no need to use "political intelligence" as a descriptive term.
6. Applicant has prior use and/or the prior right to use.
7. Opposer fails to state a claim upon which relief can be granted.

### **PRAYER FOR RELIEF**

WHEREFORE, Applicant respectfully requests that Opposer's Notice of Opposition and this proceeding be dismissed with prejudice.

Dated: April 29, 2011

Respectfully submitted,  
WRIGHT LAW PLLC

*Zachary A Wright*

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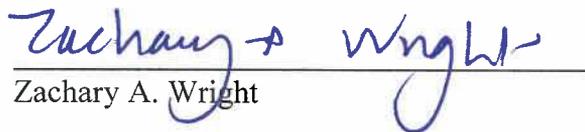
Counsel for Applicant  
REYNOLDS POULSON CONSULTING, LLC

**CERTIFICATE OF SERVICE**

I, Zachary A. Wright, hereby certify that a true and complete copy of the foregoing Answer has been served on Opposer by mailing said copy, via first class mail, postage prepaid, to counsel for Opposer as follows:

Ramiro Canales  
NameLitigation.com  
P.O. Box 49046  
Austin, TX 78765

Dated: April 29, 2011

  
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Zachary A. Wright