

ESTTA Tracking number: **ESTTA410632**

Filing date: **05/24/2011**

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

Proceeding	91199435
Party	Defendant Inviso Corporation
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Submission	Answer
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Date	05/24/2011
Attachments	Applicant Inviso Corporation's Answer.pdf (5 pages)(47063 bytes)

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

The Trustees of the Moran Living Trust,

Opposer,

v.

Inviso Corporation,

Applicant.

Opposition No. 91199435
Application Serial No. 85/160,819
Mark: TEAM OF ONE

APPLICANT INVISO CORPORATION'S ANSWER

Applicant Inviso Corporation ("Applicant") hereby answers the Notice of Opposition filed by Opposer The Trustees of the Moran Living Trust ("Opposer") as follows:

In response to the grounds for opposition enumerated in Opposer's Electronic System for Trademark Trials and Appeals ("ESTTA") Notice of Opposition form, Applicant denies that there are any grounds to sustain the opposition and denies that Opposer owns any mark(s) sufficient to constitute a basis for the opposition.

In response to the introductory unnumbered paragraph, Applicant denies Opposer's allegation that it will be damaged by the registration of Application Serial No. 85/160,819.

1. In response to paragraph 1, Applicant admits that it is a Washington corporation with its principal place of business at 11000 NE 33rd Place, Suite 102, Bellevue, Washington 98004.

2. In response to paragraph 2, Applicant admits that, on October 25, 2010, it filed Application Serial No. 85/160,819 for TEAM OF ONE with a filing basis of use in commerce under § 1(a).

3. In response to paragraph 3, Applicant admits that it listed its first use anywhere of the TEAM OF ONE mark in connection with "business consulting and information services;

recruitment and placement of personnel in the field of high technology” as at least as early as March 3, 2010 and listed its first use in commerce of the TEAM OF ONE mark in connection with “business consulting and information services; recruitment and placement of personnel in the field of high technology” as at least as early as April 22, 2010. Except as expressly admitted, Applicant denies each and every allegation in paragraph 3.

4. In response to paragraph 4, Applicant admits that U.S. Application Serial No. 85/160,819 was published for opposition on March 22, 2011.

5. In response to paragraph 5, Applicant responds that it lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 5 and, therefore, denies each and every allegation in paragraph 5.

6. In response to paragraph 6, Applicant denies each and every allegation in paragraph 6.

In response to Opposer’s WHEREFORE and prayer for relief paragraph, Applicant denies that there is a basis to sustain the opposition and states that Application Serial No. 85/160,819 should be allowed to register

AFFIRMATIVE DEFENSES

By way of further answer, Applicant alleges and asserts the following defenses in response to the allegations contained in the Notice of Opposition. In this regard, Applicant undertakes the burden of proof only as to those defenses that are deemed affirmative defenses by law, regardless of how such defenses are denominated in the instant Answer. Applicant reserves the right to assert other affirmative defenses as this opposition proceeds based on further discovery, legal research, or analysis that may supply additional facts or lend new meaning or clarification to Opposer’s claims that are not apparent on the face of the Notice of Opposition.

FIRST AFFIRMATIVE DEFENSE
FAILURE TO STATE A CLAIM

7. Opposer's claims are barred, in whole or in part, because the Notice of Opposition fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE
NO INJURY OR DAMAGE

8. Opposer's claims are barred, in whole or in part, because Opposer has not and will not suffer any injury or damage from the registration of Applicant's U.S. Application Serial No. 85/160,819 for TEAM OF ONE.

THIRD AFFIRMATIVE DEFENSE
LACK OF STANDING

9. Opposer's claims are barred, in whole or in part, because Opposer does not have standing in that Opposer is not the owner of Opposer's claimed mark(s).

FOURTH AFFIRMATIVE DEFENSE
LACK OF LIKELIHOOD OF CONFUSION

10. Applicant's mark differs in terms of sight, sound, and meaning from Opposer's claimed mark(s) and has a distinct commercial impression from Opposer's claimed mark(s).

11. Applicant's use and registration of Applicant's mark does not create a likelihood of confusion among consumers that Applicant's services are offered by, are sponsored by, or are otherwise endorsed by Opposer. Nor does Applicant's use or registration of Applicant's mark create a likelihood that consumers falsely will believe that Applicant and Opposer are affiliated in any way.

FIFTH AFFIRMATIVE DEFENSE
NARROW RIGHTS/CROWDED FIELD

12. The adoption and use of the terms TEAM and ONE are part of numerous federally registered and common law third party marks for a wide variety of goods and services that are not owned by Opposer, including by way of example: THINKONETEAM for business

training services (U.S. Registration No. 3,286,599); ONE TEAM ONE MISSION for records management services (U.S. Registration No. 3,282,996); TEAMONE for monitoring services (U.S. Registration No. 3,070,835); ONE TEAM ONE DREAM for training in the field of business marketing and recruitment (U.S. Registration No. 2,994,140); ONE GOAL. ONE TEAM. For business consulting services (U.S. Registration No. 3,364,652);. The existence of such registered third party marks requires that Opposer's claimed mark(s) be narrowly construed, such that Opposer's claimed mark(s) cannot—as a matter of law—form the basis of a likelihood of confusion claim against Applicant's mark.

SIXTH AFFIRMATIVE DEFENSE
LACK OF ACTUAL CONFUSION

13. Applicant has used its mark in the United States and has not experienced any confusion with Opposer, Opposer's claimed mark(s), or Opposer's services. On information and belief, Opposer has not experienced any actual confusion either.

WHEREFORE, Applicant requests judgment as follows:

1. That the Notice of Opposition be dismissed with prejudice;
2. That Application Serial No. 85/160,819 be allowed to register; and
3. That Applicant be granted further reasonable and appropriate relief.

Dated: May 24, 2011

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the following document:

APPLICANT INVISIO CORPORATION'S ANSWER

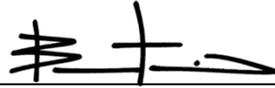
has been served on

Rod S. Berman
Jeffer Mangels Butler & Mitchell LLP
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by mailing such document on May 24, 2011 by First Class Mail, postage prepaid.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Dated: May 24, 2011



Bruno W. Tarabichi