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

Proceeding	91203201
Party	Defendant Taguines, Balbina
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Submission	Answer
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Date	02/13/2012
Attachments	Applicant Balbina Taguines' Answer.pdf (4 pages)(44838 bytes)

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

Automotive Rentals, Inc., Opposer, v. Balbina Taguines, Applicant.	Opposition No. 91203201 Application Serial No. 85/366,857 Mark: YOUR PARTNER IN BUSINESS EXCELLENCE!

APPLICANT'S ANSWER

Applicant Balbina Taguines ("Applicant") hereby answers the Notice of Opposition filed by Opposer Automotive Rentals, Inc. ("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 sole unnumbered paragraph in Opposer's Notice of Opposition, Applicant denies each and every allegation in the sole unnumbered paragraph in Opposer's Notice of Opposition.

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

1. Opposer's claims are barred, in whole or in part, because Opposer has failed to state a claim for each of the causes of action enumerated in the ESTTA Notice of Opposition form, namely, false suggestion of a connection under §2(a), priority and likelihood of confusion under § 2(d), and dilution under § 43(c). For example, Opposer has failed to allege recognition and fame/reputation for false suggestion of a connection under § 2(a); failed to allege priority for priority and likelihood of confusion under § 2(d), and failed to allege prior fame for dilution under § 43(c).

SECOND AFFIRMATIVE DEFENSE
NO INJURY OR DAMAGE

2. 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. 85/366,857.

THIRD AFFIRMATIVE DEFENSE
LACK OF LIKELIHOOD OF CONFUSION

3. 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).

4. Applicant's use and registration of Applicant's mark does not create a likelihood of confusion among consumers that Applicant's goods or 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.

FOURTH AFFIRMATIVE DEFENSE
ESTOPPEL

5. Opposer's claims are barred, in whole or in part, by the doctrine of estoppel.

FIFTH AFFIRMATIVE DEFENSE
LACHES

6. Opposer's claims are barred, in whole or in part, by the doctrine of laches.

SIXTH AFFIRMATIVE DEFENSE
ACQUIESCENCE

7. Opposer's claims are barred, in whole or in part, by the doctrine of acquiescence.

SEVENTH AFFIRMATIVE DEFENSE
INSUFFICIENT PRIOR EXCLUSIVE RIGHTS

8. Opposer's claims are barred, in whole or in part, because Opposer cannot establish prior exclusive rights in the United States sufficient to bar Applicant's registration of YOUR PARTNER IN BUSINESS EXCELLENCE!

WHEREFORE, Applicant requests judgment as follows:

1. That the Notice of Opposition be dismissed with prejudice;
2. That Application Serial No. 85/366,857 be allowed to register; and
3. That Applicant be granted further reasonable and appropriate relief.

Dated: February 13, 2012

Respectfully submitted,

Bruno W. Tarabichi
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CERTIFICATE OF SERVICE

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

APPLICANT'S ANSWER

has been served on

Patricia Kane Williams
Law Office of Patricia Kane Williams LLC
418 Washington Ave.
Haddonfield, NJ 08033

by mailing such document on February 13, 2012 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: February 13, 2012

Bruno W. Tarabichi