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

Proceeding	91203277
Party	Defendant Palm Beach Motoring Accessories, Inc.
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Submission	Answer
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Date	03/15/2012
Attachments	Answer_047.pdf (6 pages)(45943 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Trademark Trial and Appeal Board

3D International, LLC,)
a California Limited Liability Company,)
)
Opposer,)
)
v.)
)
Palm Beach Motoring Accessories, Inc.,)
a Florida Corporation,)
)
Applicant.)

Opposition No. 91203277

Application No. 85-261047

Mark: AUTOPIA FORUM
Int. Class: 038

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

Thomas W. Cook, Esq.,
Thomas Cook Intellectual Properties
3030 Bridgeway, Suite 425
Sausalito, CA 94965

ANSWER

Leo Zucker, Esq.
Attorney for Applicant
P.O. Box 1177
Yorktown Heights, NY 10598

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Applicant Palm Beach Motoring Accessories, Inc. (hereafter PBMA), by its undersigned attorney, hereby answers the Notice of Opposition mailed from the Office on January 6, 2012 (the term for response having been extended by Order of the Board to expire March 16, 2012), as follows:

ANSWERS

1. PBMA denies the allegations contained in paragraph 1 and in subparagraphs 1a, 1b, and 1c of the Notice.
2. PBMA denies the allegations contained in paragraph 2 of the Notice.
3. PBMA lacks information sufficient to admit or deny any of the allegations contained in paragraph 3 of the Notice, and therefore denies all the allegations.
4. PBMA lacks information sufficient to admit or deny any of the allegations contained in paragraph 4 of the Notice, and therefore denies all the allegations.
5. PBMA admits all the allegations contained in paragraph 5 of the Notice, except PBMA denies that the services it provides in class 038 are “Opposer’s Services” as suggested in the paragraph.

6. PBMA admits that it filed Application Serial No. 85/261,047 on March 8, 2011, on an intent-to-use basis under Section 1(b) of the Trademark Act, and denies all the remaining allegations contained in paragraph 6 of the Notice.

7. PBMA denies all the allegations contained in paragraph 7 of the Notice.

8. PBMA lacks information sufficient to admit or deny any of the allegations contained in paragraph 8 of the Notice, and therefore denies all the allegations.

9. PBMA lacks information sufficient to admit or deny any of the allegations contained in paragraph 9 of the Notice, and therefore denies all the allegations.

10. PBMA admits that its mark contains the word "AUTOPIA", and denies all remaining allegations contained in paragraph 10 of the Notice.

11. PBMA lacks information sufficient to admit or deny any of the allegations contained in paragraph 11 of the Notice, and therefore denies all the allegations.

12. PBMA denies the allegations contained in paragraph 12 of the Notice.

13. PBMA denies the allegations contained in paragraph 13 of the Notice.

14. PBMA denies the allegations contained in paragraph 14 of the Notice.

15. PBMA denies the allegations contained in paragraph 15 of the Notice.

16. PBMA admits that it used "Detail City" prior to about January of 2011, and denies the remaining allegations contained in paragraph 16 of the Notice.

17. PBMA admits the allegations contained in paragraph 17 of the Notice.

18. PBMA denies the allegations contained in paragraph 18 of the Notice.

19. PBMA denies the allegations contained in paragraph 19 of the Notice.

20. PBMA denies the allegations contained in paragraph 20 of the Notice.

21. PBMA admits the allegations contained in paragraph 21 of the Notice.

22. PBMA denies the allegations contained in paragraph 22 of the Notice.

23. PBMA denies the allegations contained in paragraph 23 of the Notice.

24. PBMA admits the allegations contained in paragraph 24 of the Notice.

25. PBMA admits the allegations contained in paragraph 25 of the Notice.

26. PBMA denies the allegations contained in paragraph 26 of the Notice.

27. PBMA denies the allegations contained in paragraph 27 of the Notice.

28. PBMA denies the allegations contained in paragraph 28 of the Notice.

29. PBMA denies the allegations contained in paragraph 29 of the Notice.

30. PBMA admits the allegations contained in paragraph 30 of the Notice.

31. PBMA lacks information sufficient to admit or deny any of the allegations contained in paragraph 31 of the Notice, and therefore denies all the allegations.

32. PBMA lacks information sufficient to admit or deny any of the allegations contained in paragraph 32 of the Notice, and therefore denies all the allegations.

33. PBMA lacks information sufficient to admit or deny any of the allegations contained in paragraph 33 of the Notice, and therefore denies all the allegations.

34. PBMA lacks information sufficient to admit or deny any of the allegations contained in paragraph 34 of the Notice, and therefore denies all the allegations.

35. PBMA lacks information sufficient to admit or deny any of the allegations contained in paragraph 35 of the Notice, and therefore denies all the allegations.

36. PBMA denies the allegations contained in paragraph 36 of the Notice.

37. PBMA lacks information sufficient to admit or deny any of the allegations contained in paragraph 36 of the Notice, and therefore denies all the allegations.

DEFENSES

1. Any trademark rights to AUTOPIA as a mark for opposer's alleged services were abandoned by one or more of opposer's predecessors in interest.
2. There is no likelihood of confusion in the meaning of Section 2(d) of the Trademark Act with respect to applicant's use of AUTOPIA FORUM for the services set forth in the present application.

CERTIFICATE OF SERVICE

I hereby certify that the within Answer was served upon Opposer on March 15, 2012, by mailing a true copy of same as first class mail, postage prepaid, and addressed to:

Thomas W. Cook, Esq.,
Thomas Cook Intellectual Properties
3030 Bridgeway, Suite 425
Sausalito, CA 94965

Respectfully submitted,

/ Leo Zucker /

Leo Zucker, Attorney for Applicant