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Filing date: **12/23/2013**

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

Proceeding	91213497
Party	Defendant Simit and Smith Inc
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Submission	Answer
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	X	
_____	:	
SIMIT SARAYI YATIRIM VE	:	
TICARET A.S., a Turkey corporation,	:	
	:	
Opposer,	:	Opposition No.: 91213497
	:	Mark SIMIT + SMITH (and design)
v.	:	Serial No. 85940333
	:	
SIMIT AND SMITH, INC., a New Jersey	:	
corporation,	:	
	:	
Applicant.	:	
_____	X	

ANSWER TO NOTICE OF OPPOSITION

Applicant, SIMIT AND SMITH, INC, respectfully Answers the Notice of Opposition as follows:

1. Applicant is without sufficient information or belief with regard to the truth of the allegations of Paragraph 1, and therefore denies such allegations.

2. Applicant is without sufficient information or belief with regard to the truth of the allegations of Paragraph 2, and therefore denies such allegations.

3. Applicant is without sufficient information or belief with regard to the truth of the allegations of Paragraph 3, and therefore denies such allegations.

4. Applicant admits the allegations of this paragraph.

5. Applicant is without sufficient information or belief with regard to the truth of the allegations of Paragraph 5, and therefore denies such allegations.

6. Applicant denies the allegations set forth in Paragraph 6.

7. Applicant denies the allegations set forth in Paragraph 7.

Applicant denies that Opposer is entitled to the relief sought in its WHEREFORE clause.

Except as expressly admitted herein, Applicant denies each and every allegation contained in the Notice of Opposition and denies that Opposer is entitled to any relief requested, and therefore requests that serial no.8594033 be allowed to continue to registration because of no harm caused or confusion with the plaintiff' marks.

AFFIRMATIVE AND OTHER DEFENSES

1. The Notice of Opposition fails to state a claim upon which relief can be granted.

2. The Notice of Opposition was filed in bad faith and for improper purposes.

3. The common element of both applicant's and registrant's mark, SIMIT, is generic, or at least highly descriptive and lacking in acquired distinctiveness, and is the name for a type of

