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

Proceeding	91219616
Party	Defendant Bank, Daryl
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Date	01/12/2015
Attachments	Answer-Rock-Solid-Investment -final.pdf(28103 bytes)

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

PRUDENTIAL INSURANCE COMPANY
OF AMERICA

Plaintiff-Opposer,

vs.

DARYL BANK

Defendant-Applicant

Opposition No. 91219616

Serial No. 86184144

ANSWER

DARYL BANK, the Applicant of Serial No. 86184144 hereby responds solely for the purposes of this proceeding, to each of the grounds set forth in the Notice of Opposition, as follows:

Paragraphs 1 through 4: Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies the same.

Paragraph 5: Applicant admits that Plaintiff is listed as the owner of the registrations mentioned in this paragraph. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in this paragraph and therefore denies the same.

Paragraph 6: Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies the same.

Paragraphs 7 through 23: Admitted.

Paragraphs 24 through 27: Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies the same.

Paragraphs 28 through 31: Admitted.

Paragraph 32: Denied.

Paragraph 33: Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies the same.

Paragraph 34: Admitted.

Paragraph 35: No response needed.

Paragraph 36: Denied.

Paragraph 37: No response needed.

Paragraphs 38 through 40: Denied.

Paragraphs 41 through 43: Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies the same.

Paragraph 44: Denied.

Paragraph 45: No response needed.

Paragraphs 46 through 47: Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in this paragraph and therefore denies the same.

Paragraph 48: Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegation that Opposer's marks are distinctive and famous and become famous before Applicant's filing date and therefore denies the same. Applicant denies the remaining allegations of this paragraph.

Paragraphs 49 through 51: Denied.

AFFIRMATIVE DEFENSES

1. The Notice of Opposition fails to state a claim upon which relief can be granted.
2. Opposer is not entitled to relief because there is no likelihood of confusion in that Opposer's Marks and Applicant's Marks are not similar in appearance.
3. Opposer is not entitled to relief because there is no likelihood of confusion in that Opposer's Marks and Applicant's Marks are not similar in sound.
4. Opposer is not entitled to relief because there is no likelihood of confusion in that Opposer's Marks and Applicant's Marks create distinctively different commercial impressions.
5. Opposer is not entitled to relief because there is no likelihood of confusion in that the goods/services offered in connection with Opposer's Marks and Applicant's Marks are dissimilar.
6. Opposer is not entitled to relief because there is no likelihood of confusion in that the goods/services offered in connection with Opposer's Marks and Applicant's Marks travel through different channels of trade.

7. Opposer is not entitled to relief because there is no likelihood of confusion in that the goods/services offered in connection with Opposer's Marks and Applicant's Marks are targeted to different consumers.
8. Opposer is not entitled to relief because there is no likelihood of confusion in that the current and prospective customers of the goods/services offered in connection with Opposer's Marks and Applicant's Marks are sophisticated and make careful purchasing decisions.
9. Opposer is not entitled to relief because there is no likelihood of confusion because there are many marks comprised of the words ROCK, SOLID and/or INVESTMENT. Opposer's Marks are entitled to a narrow scope of protection.
10. Opposer is not entitled to relief because Applicant's Marks are not likely to cause dilution by blurring.
11. Opposer is not entitled to relief because Applicant's Marks are not likely to cause dilution by tarnishment.
12. Applicant presently has insufficient knowledge or information to form a belief as to whether it may have additional affirmative defenses. Applicant hereby reserves the right to assert additional defenses should Applicant learn of grounds for such defenses during the course of this Opposition proceeding.

PRAYER FOR RELIEF

DARYL BANK, prays that the Opposition be dismissed in its entirety with prejudice and that the Trademark Trial and Appeal Board grant such other relief as it deems just and proper.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on Jan. 12, 2015 I served this document via U.S. mail to counsel of record for Opposer's attorney, Amy Brozenic. Lathrop & Gage LLP, 10851 Mastin Blvd., Bldg 82, Ste 1000, Overland Park, KS 66210.



Mark Terry, Esq.