

ESTTA Tracking number: **ESTTA51859**

Filing date: **11/03/2005**

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

<b>Proceeding</b>	92044853
<b>Party</b>	Defendant Michigan Employee Benefit Services, Inc. Michigan Employee Benefit Services, Inc. 25 Jefferson S.E. Grand Rapids, MI 49503
<b>Correspondence Address</b>	R. SCOTT KELLER WARNER NORCROSS & JUDD LLP 90 FIFTH THIRD CENTER - 111 LYON STREET NW GRAND RAPIDS, MI 49503-2487
<b>Submission</b>	Answer
<b>Filer's Name</b>	R. Scott Keller
<b>Filer's e-mail</b>	skeller@wnj.com,trademarks@wnj.com
<b>Signature</b>	/rsk/
<b>Date</b>	11/03/2005
<b>Attachments</b>	Flexible Benefits Answer.pdf ( 2 pages )

UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD

FLEXIBLE BENEFITS	)	
SERVICES CORPORATION,	)	
	)	
Petitioner,	)	Cancellation No. 92044853
	)	Reg. No. 2,889,104
vs.	)	
	)	
MICHIGAN EMPLOYEE BENEFIT	)	<b>ANSWER</b>
SERVICES, INC.,	)	
	)	
Respondent.	)	

In response to the Petition for Cancellation, Respondent answers as follows:

1. Respondent is without sufficient knowledge or information to form a belief as to, and denies on that basis, the allegations contained in Paragraph 1 of the Petition.
2. Respondent is without sufficient knowledge or information to form a belief as to, and denies on that basis, the allegations contained in Paragraph 2 of the Petition.
3. Respondent denies the allegations contained in Paragraph 3 of the Petition.
4. Respondent admits the allegations contained in Paragraph 4 of the Petition.
5. Respondent admits that its application for registration claims that Respondent first used its mark MEBS "FLEX-HRA" in commerce in connection with the administration of employee benefit healthcare plans at least as early as April 2003 and denies the remaining allegations contained in Paragraph 5 of the Petition.
6. Respondent admits the allegations contained in Paragraph 6 of the Petition.
7. Respondent denies the allegations contained in Paragraph 7 of the Petition.
8. Respondent admits the allegations contained in Paragraph 8 of the Petition.
9. Respondent denies the allegations contained in Paragraph 9 of the Petition.
10. Respondent denies the allegations contained in Paragraph 10 of the Petition.

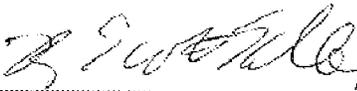
**FIRST AFFIRMATIVE DEFENSE**

11. Respondent states that the Petition fails to state a claim upon which relief can be granted.

WHEREFORE, Respondent requests that the Petition for Cancellation be denied with prejudice.

Respectfully submitted,

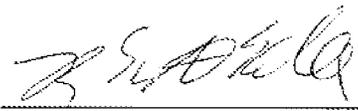
Date: November 3, 2005

By   
\_\_\_\_\_  
R. Scott Keller  
WARNER NORCROSS & JUDD LLP  
900 Fifth Third Center  
111 Lyon Street, N.W.  
Grand Rapids, Michigan 49503-2487  
(616) 752-2479  
(616) 222-2479 (Fax)  
skeller@wnj.com

Attorneys for Registrant Michigan Employee  
Benefit Services, Inc.

**CERTIFICATE OF MAILING**

I hereby certify that Respondent's Answer is being filed electronically on November 3, 2005.

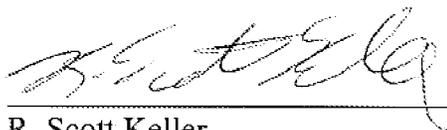
  
\_\_\_\_\_  
R. Scott Keller

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the Answer is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

Mr. Joseph T. Nabor  
Fitch Even Tabin & Flannery  
120 S. LaSalle Street, Suite 1600  
Chicago, Illinois 60603-4277

on November 3, 2005.

  
\_\_\_\_\_  
R. Scott Keller