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PATENT TRADEMARK OFFICE

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

HARD DOLLAR CORPORATION, a)	
Delaware corporation)	
)	
Opposer,)	Opposition No: 91151939
)	
vs.)	Serial No. 76/213,196
)	
PELLEON, L.P., JOHN P. MENNITI and)	CLICK BID BUILD
MARY M. MENNITI,)	
)	
Respondents.)	

TRADEMARK TRIAL AND
APPEAL BOARD
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RESPONDENTS' ANSWER TO NOTICE OF OPPOSITION

Respondents, Pelleon, L.P., John P. Menniti and Mary M. Menniti (collectively "Respondents"), by and through their counsel, Cohen & Grigsby, P.C., and set forth their Answer to the Notice of Opposition of Hard Dollar Corporation ("Opposer") in the present matter. Respondents plead as follows to the respective numbered allegations of the Notice of Opposition:

1. Respondents lack information sufficient to form a belief as to the truth of the averments in Paragraph 1 and therefore deny them.
2. With respect to the averments of Paragraph 2, Respondents admit only that Pelleon, L.P. is the applicant for registration of CLICK BID BUILD, Application Serial No. 76/213,196, filed on February 21, 2001 and deny the remaining averments of Paragraph 2. To the extent that the allegation in Paragraph 2 is understood to allege that John P. Menniti and Mary M. Menniti are the only partners in the partnership of

Pelleon L.P., such allegation is denied. Further, Pelleon L.P. is a limited partnership, and as such, the limited partners do not have a separate and individual interest in the opposed application. Still further, the application itself lists only Pelleon L.P. as the applicant. Therefore, the inclusion John P. Menniti and Mary P. Menniti in this action is improper.

3. Respondents admit the averments of Paragraph 3. Respondents affirmatively allege that CLICK BID BUILD is a distinctive trademark as applied to Respondents' services as recited in Respondents' application. Respondents' CLICK BID BUILD mark is entitled to registration. It was approved for publication and published in the Official Gazette on February 12, 2002 . No timely opposition of the mark's registration was filed with the U.S. Patent and Trademark Office.

4. Respondents admit the averments of Paragraph 4.

5. Respondents lack information sufficient to form a belief as to the truth of the averments in Paragraph 5 and therefore deny them.

6. Respondents deny the averments of Paragraph 6. Respondents deny that CLICK BID BUILD resembles, in similarity and/or nature, Opposer's BID*BUILD mark; deny that there has been confusion, mistake or deception of the public as to the origin of the Opposer's services; and deny that there is or would likely be any likelihood of such confusion, mistake or deception, now or in the future, or that Opposer is likely to suffer harm.

AFFIRMATIVE DEFENSES

7. Opposer's Notice of Opposition is untimely.

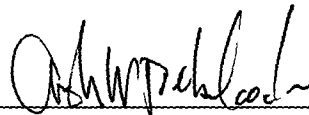
8. Opposer has no trademark rights in BID*BUILD and, therefore, cannot suffer any harm or damages regarding it.

9. The allegations of the Notice of Opposition fail to state a claim upon which relief can be granted with respect to John P. Menniti and Mary M. Menniti.

WHEREFORE, Respondents respectfully request and petition that this Notice of Opposition be dismissed with prejudice and a registration to Applicant based on Application No. 76/213,196 issue in due course.

Respectfully submitted,

COHEN & GRIGSBY, P.C.



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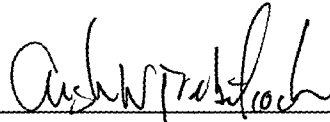
Counsel for Respondents, Pelleon, L.P.,
John P. Menniti and Mary M. Menniti

August 5, 2002

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the **RESPONDENTS' ANSWER TO NOTICE OF OPPOSITION** was sent to Glenn S. Bacal, Heather L. Buchta, Quarles & Brady Streich Lang LLP, Renaissance One, Two North Central Avenue, Phoenix, AZ 85004-2391, by placing the same in the U.S. Mail, postage pre-paid, this 5th day of August, 2002.



Christine W. Trebilcock

CERTIFICATE OF MAILING BY US EXPRESS MAIL

I hereby certify that the documents listed below are being deposited on the date indicated below, with the U.S. Post Office as Express Mail Post Office to Addressee Service in an envelope addressed to:

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

Box TTAB No Fee

1 Respondent's Answer to Notice of Opposition (3 Pages)
1 Return Receipt Card

EXPRESS MAIL LABEL NO. EL 852010739 US

Karin J. Hoover August 5, 2002
Karin J. Hoover Date of Deposit