

TTAB

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

-----X
 FILL-IT, INC., :
 :
 Opposer, :
 :
 v. :
 :
 STAMPS.COM INC., :
 :
 Applicant. :
 -----X

02 SEP 2002
 TRADEMARK TRIAL AND APPEAL BOARD
 Opposition No. 5251
ANSWER TO NOTICE OF OPPOSITION
 9:54 AM '02



09-19-2002

U.S. Patent & TMO/TM Mail Rcpt Dt. #94

TO: Box TTAB NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

COMES NOW the Applicant, Stamps.com Inc. and in answer to the Notice of Opposition states as follows:

1. Applicant is without information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Notice of Opposition and therefore denies the same.
2. Applicant is without information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Notice of Opposition and therefore denies the same.
3. Applicant admits that its application is for "computer services, namely providing merchants, businesses, consumers and other users of a global computer network with information pertaining to ordering, mailing, shipping, receipt logs, inventory and tracking of merchandise and orders; and allowing merchants, businesses, consumers and other users of a global computer network to exchange information pertaining to ordering, mailing, shipping, receipt logs, inventory and tracking of merchandise and orders," and except as so admitted, denies the remaining allegations contained in paragraph 3 of the Notice of Opposition.

29

4. Applicant is without information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Notice of Opposition and therefore denies the same.

5. Applicant denies the allegations contained in paragraph 5 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

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

7. There is no likelihood of confusion between the parties respective marks.

Respectfully submitted,

KING & SPALDING
Attorneys for Applicant

By: 


Keith E. Sharkin
Monique L. Ribando

Dated: September 16, 2002

1185 Avenue of the Americas
New York, New York 10036
(212) 556-2100

CERTIFICATE OF MAILING


I hereby certify that the attached Answer to Notice of Opposition is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to: Commissioner for Trademarks, Box TTAB, NO FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on September 16, 2002.



Monique L. Ribando

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing Answer to Notice of Opposition was served on Mr. Albert S. Cain, President, Fill-It, Inc., 1510 Hubbard Avenue, Batavia, IL 60510, the Opposer in this proceeding, by first class mail, postage prepaid, on September 16, 2002.



Monique L. Ribando