

OPPOSITION NO. 91153220

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1.
2. Applicant admits the allegations of paragraph 2.
3. Applicant denies the allegations of paragraph 3.
4. Applicant denies the allegations of paragraph 4.
5. Applicant denies the allegations of paragraph 5.
6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 6.
7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 7.
8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 8.
9. Opposer has misstated the law and therefore Applicant denies the allegations of paragraph 9.
10. Applicant denies the allegations of paragraph 10.
11. Applicant denies the allegations of paragraph 11.
12. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 12.

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13. Applicant would state that the referenced registration speaks for itself. Applicant admits that U.S. Trademark Registration No. 2349601 is for a mark which disclaims both the terms BOUNCE and PROTECTION, and is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 13.
14. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 14.
15. Applicant denies the allegations of paragraph 15.
16. Applicant denies the allegations of paragraph 16.
17. Applicant denies the allegations of paragraph 17.
18. Applicant denies the allegations of paragraph 18.
19. Applicant denies the allegations of paragraph 19.
20. Applicant denies the allegations of paragraph 20.

WHEREFORE, Applicant, **F.N.B. CORPORATION**, prays that this opposition would be terminated in favor of Applicant, and that all attorneys fees and costs be awarded to Applicant. Applicant notes that Opposer's Notice of Opposition appears to be subject to violation of Rule 11, Fed. R. Civ. P. based on the fact that both words which comprise Opposer's mark are disclaimed, and the remaining design portion of the mark is not used by Applicant.

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FIRST AFFIRMATIVE DEFENSE

Opposer's cited registration is a legally insufficient basis for this opposition, since both words comprising the mark "BOUNCE" and "PROTECTION" have been disclaimed by the Opposer. The only remaining portion of the registration is a design element which Applicant does not use.

SECOND AFFIRMATIVE DEFENSE

Opposer lacks standing to bring this opposition.

THIRD AFFIRMATIVE DEFENSE

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

FOURTH AFFIRMATIVE DEFENSE

Opposer's action is barred by laches.

FIFTH AFFIRMATIVE DEFENSE

Opposer has lost any rights it may have in the subject mark by acquiescence.

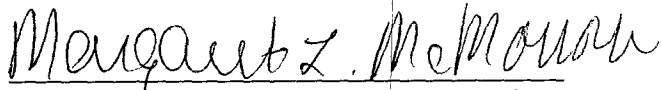
SIXTH AFFIRMATIVE DEFENSE

Opposer's mark is not entitled to the protection Opposer seeks herein because the registration is for a mark which is

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merely descriptive of the service as provided by Plaintiff,
according to the statements made by Opposer in the Notice of
Opposition.

Respectfully submitted,



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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that the original of this Applicant's
Answer to Opposition and Affirmative Defenses was mailed to Steve
Lauff, John Courtney, Andrews & Kurth, L.L.P., 600 Travis Street,
Suite 4200, Houston, Texas 77002-3090, via first class mail,
postage prepaid on December 10, 2002.



MARGARET L. MCMORROW

TTAB



12-10-2002

U.S. Patent & TMOs/TM Mail Ropt. Dt. #40

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INTELLECTUAL PROPERTY
AND RELATED CAUSES

Margaret L. McMorrow, Attorney
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VIA U.S. EXPRESS MAIL #EJ223674071US

December 10, 2002

Assistant Commissioner for Trademarks
Box TTAB
2900 Crystal Drive
Arlington, Virginia 22202-3513

Re: MJCM, LLC v. F.N.B. CORPORATION
Opposition No. 91153220

Dear Sir or Madam:

Enclosed for filing is Applicant's Answer to Opposition and Affirmative Defenses.

Please date stamp and return the self addressed stamped postcard which is also enclosed.

Thank you.

Sincerely,

Margaret L. McMorrow

Margaret L. McMorrow

Enclosures - 2
cc: James G. Orie, Corporate Counsel

DEC 20 11 59 AM '02