

ESTTA Tracking number: **ESTTA16682**

Filing date: **10/08/2004**

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

Proceeding	91161887
Party	Defendant Henderson, Gil Henderson, Gil 1072 Piedmont Av. Suite 205 Atlanta, GA 30309
Correspondence Address	CHRISTOPHER J. DAY, ESQ. LAW OFFICE OF CHRISTOPHER DAY 340 EAST PALM LANE, SUITE 282 PHOENIX, AZ 8004
Submission	Answer
Filer's Name	Peter Toren
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Signature	/Peter Toren/
Date	10/08/2004
Attachments	91161887.tif (3 pages)

DT-6906

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

CENTEX HOMES,)	
)	Opposition No. 91161887
Opposer,)	
)	Mark: CITIHOMES
v.)	
)	Serial No.: 75900317
HENDERSON, GIL,)	
)	Filing Date: January 18, 2000
Applicant.)	
_____)	Published: August 24, 2004

ANSWER

Applicant, by its attorneys, hereby answers the Notice of Opposition as follows:

1. Answering paragraph 1 of the Notice of Opposition, Applicant states that the record speaks for itself.
2. Answering paragraph 2 of the Notice of Opposition, Applicant denies knowledge or information sufficient to form a belief as to the truth of the allegations therein.
3. Answering paragraph 3 of the Notice of Opposition, Applicant admits that the current TARR database records list Opposer as the owner of Registration Nos. 2,513,656, 2,486,473 and 2,683912.
4. Answering paragraph 4 of the Notice of Opposition, Applicant denies the allegations therein.
5. Answering paragraph 5 of the Notice of Opposition, Applicant denies the allegations therein.

6. Answering paragraph 6 of the Notice of Opposition, Applicant denies the allegations therein.
7. Answering paragraph 7 of the Notice of Opposition, Applicant denies the allegations therein.
8. Answering paragraph 8 of the Notice of Opposition, Applicant denies the allegations therein.
9. Answering paragraph 9 of the Notice of Opposition, Applicant denies the allegations therein.

Affirmative Defenses

1. The Opposer has not alleged a cause of action upon which to prevent registration of the subject application.

WHEREFORE, Registrant prays that this Opposition be dismissed and that a trademark registration for its mark issue forthwith.

Respectfully submitted,

GIL HENDERSON

By: 

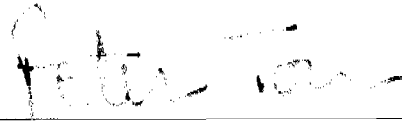
Dated: October 8, 2004

Peter J. Toren,
Attorney for Applicant
SIDLEY AUSTIN BROWN & WOOD LLP
787 Seventh Avenue
New York, New York 10019

Certificate of Service

The undersigned hereby certifies that a true and correct copy of the foregoing was served this 8th day of October 2004 on counsel for Opposer by first-class U.S. mail, postage prepaid, addressed as follows:

Anita Nesser
Associate General Counsel
Centex Corporation
2728 N. Harwood
Dallas, Texas 75201



Peter J. Toron