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June 10, 2005

Via Express Mail

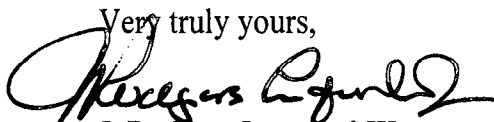
Box TTAB – NO FEE
Commissioner of Trademarks
U.S. Patent and Trademark Office
P. O. Box 1451
Alexandria, VA 22313-1451

Re: Opposition No. 91164262
Opposer: TM Acquisition Corp.
Applicants: Kathy House and Marilyn McAlister

Dear Commissioner:

Enclosed are an original and two copies of a Answer to Notice of Opposition for filing in connection with the referenced opposition action. Please acknowledge receipt and filing of the Answer by having your mail room date stamp the enclosed self-addressed postcard and return the same to us.

Very truly yours,



J. Rodgers Lunsford III

JRLIII/dmc

Enclosure

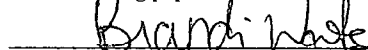
cc: Ranjitsinh Mahida, Esq.

Express Mail mailing label number EL 935533829

Date of Deposit: June 10, 2005

I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 CFR 1.10 on the date indicated above and is addressed to The Commissioner of Trademarks, Box TTAB – NO FEE, P. O. Box 1451, Alexandria, VA 22313-3514.

Person mailing paper: Brandi Watson



(Signature of person mailing paper or fee)



LIT908873.1

06-13-2005

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #39

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

TM ACQUISITION CORPORATION,)	
)	
Opposer,)	
)	
v.)	Opposition No.: 91164262
)	
Kathy House and Marilyn McAlister,)	
)	
Applicants.)	

ANSWER TO NOTICE OF OPPOSITION

Applicants Kathy House and Marilyn McAlister (“Applicants”) answer the Notice of Opposition of TM Acquisition Corporation (“Opposer”) as follows:

1. Applicants are without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 1.
2. Applicants are without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 2.
3. Applicants are without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 3.
4. Applicants are without knowledge or information sufficient to form a belief as to the truth of the averment “Notwithstanding Opposer’s rights in the Coldwell Banker Marks.” Applicants admit they are presently seeking registration of the mark which is the subject matter of Application Serial No. 78/164,690 and state that the subject matter of such Application speaks for itself. Except as thus admitted or otherwise responded to, the averments of paragraph 4 are denied.



5. To the best of their present knowledge, information and belief, Applicants admit that their date(s) of first use of the mark which is the subject matter of Application Serial No. 78/164,690 are as set forth in their Application. Except as thus admitted, the averments of paragraph 5 are denied.

6. Applicants are without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 6.

7. Applicants are without knowledge or information sufficient to form a belief as to the truth of the averments of paragraph 7.

8. Applicants are without knowledge or information sufficient to form a belief as to the truth of the averments of the first sentence of paragraph 8. Except as thus responded to, the averments of paragraph 8 are denied.

9. Denied.

10. Applicants admit that they are not affiliated or connected with or endorsed or sponsored by Opposer and that Opposer has not approved any services offered or sold under the mark which is the subject matter of Application Serial No. 78/164,690. Except as thus admitted, the averments of paragraph 10 are denied.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

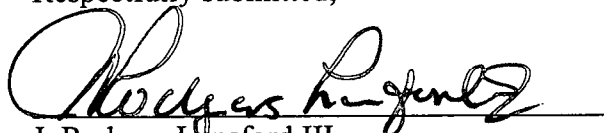
17. Denied.

18. Applicants deny each and every averment of Opposer's Notice of Opposition to which it has not made a specific response hereinabove.

WHEREFORE, Applicants pray that Opposer's Notice of Opposition be dismissed and their Application Serial No. 78/164,690 be approved.

This 10th day of June, 2005.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "J. Rodgers Lunsford III", written over a horizontal line.

J. Rodgers Lunsford III
Attorney for Applicants

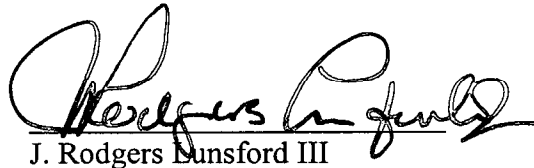
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CERTIFICATE OF SERVICE

This is to certify that I have this day served opposing counsel in the above-styled cancellation proceeding with a copy of the foregoing Answer to Notice of Opposition by placing same in the United States Mail with sufficient postage affixed to ensure delivery and properly addressed as follows:

Ranjitsinh Mahida, Esq.
Harvey Siskind Jacobs LLP
Four Embarcadero Center
39th Floor
San Francisco, CA 94111

This 10th day of June, 2005.



J. Rodgers Dunsford III