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

Proceeding	91166548
Party	Defendant DECKS UNDER COVER, INC. DECKS UNDER COVER, INC. 4031-C FAMBROUGH COURT POWDER SPRINGS, GA 30127
Correspondence Address	J. BRIAN O'NEIL MOORE INGRAM JOHNSON & STEELE, LLP 192 ANDERSON ST MARIETTA, GA 30060
Submission	Answer
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Date	11/01/2005
Attachments	_1101165634_001.pdf (4 pages)

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

Undercover Systems, Inc.,)
)
 Opposer,)
)
v.) Opposition No.: 91166548
)
Decks Under Cover, Inc.)
)
 Applicant.)

ANSWER OF APPLICANT DECKS UNDER COVER, INC.

Answer to Enumerated Paragraphs in Notice of Opposition

1.

The allegations contained in Paragraph 1 of the Notice of Opposition are admitted.

2.

Applicant is without knowledge regarding the allegations contained in Paragraph 2 of the Notice of Opposition, therefore, that paragraph is denied.

3.

In response to Paragraph 3 of Opposer's Notice of Opposition, Applicant admits that United States Registration No.: 2,956,509, was issued to Opposer on May 31, 2005, for the mark UNDER COVER SYSTEMS. All other allegations in Paragraph 3 of Notice of Opposition are denied as stated.

4.

Applicant is without knowledge regarding the allegations contained in Paragraph 4 of the Notice of Opposition, therefore, that paragraph is denied.

5.

Applicant is without knowledge regarding the allegations contained in Paragraph 5 of the Notice of Opposition, therefore, that paragraph is denied.

6.

In response to Paragraph 6 of Opposer's Notice of Opposition, Applicant states that it did file its Application for the mark DECKS UNDER COVER on September 22, 2003, claiming a first use date of April 1, 2003. Applicant is without knowledge sufficient to either admit or deny the remaining allegations in Paragraph 6, therefore those allegations are denied as stated.

7.

Applicant denies the allegations contained in Paragraph 7.

8.

Applicant is without knowledge sufficient to either admit or deny the allegations contained in Paragraph 8 of Opposer's Notice of Opposition, therefore, all allegations contained in Paragraph 8 are denied as stated.

9.

In response to Paragraph No. 9 of Opposer's Notice of Opposition, Applicant admits that the goods identified in Applicant's application will be distributed and promoted through Applicant's construction business, or in connection with its construction business. Applicant is without knowledge sufficient to either admit or deny the remainder of the allegations contained in Paragraph 9, therefore, these allegations are denied as stated.

10.

The allegations contained in Paragraph No. 10 of Opposer's Notice of Opposition are denied.

11.

The allegations contained in Paragraph No. 11 of Opposer's Notice of Opposition are denied.

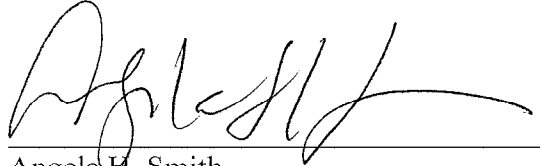
12.

Applicant denies that Opposer is entitled to the relief sought in the "WHEREFORE" paragraph of Opposer's Notice of Opposition.

WHEREFORE, Applicant believes that it is rightfully entitled to the registration of the Applicant's Trademark, and respectfully requests that Opposer's Notice of Opposition be rejected and that the Applicant's registration be granted.

Respectfully submitted, this 18th day November, 2005.

MOORE INGRAM JOHNSON & STEELE, LLP



Angela H. Smith

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CERTIFICATE OF SERVICE

The undersigned attorney does hereby certify that a true and correct copy of the foregoing ANSWER OF APPLICANT DECKS UNDER COVER, INC., was duly served upon the following by mailing a copy of same postage pre-paid via First Class U.S. Mail, addressed as follows:

Jennifer M. Gruber
Thomas Kayden Horstemeyer & Risley LLP
100 Galleria Parkway, NW
Suite 1750
Atlanta, GA 30339-5948

This 18th day of November, 2005.



ANGELA H. SMITH