



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

TTAB

NEXTEL COMMUNICATIONS, INC.
Opposer,

v.

CAD CENTER CORPORATION
Applicant.

Opposition No. 911666604

(Against Application S.N. 76/585,300
for NEXTRAX
in Classes 9, 37, and 42)

APPLICANT CAD CENTER CORPORATION'S
ANSWER TO NOTICE OF OPPOSITION

Applicant Cad Center Corporation (hereinafter "Cad Center") hereby files and serves its Answer and Affirmative Defenses to the Notice of Opposition filed herein by opposer Nextel Communications, Inc.

ANSWER

1. Admitted.
2. Admitted.
3. Denied. No such consent or permission is required.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4 of the Notice of Opposition, and therefore denies the same.
5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 5 of the Notice of Opposition, and therefore denies the same, except Applicant admits that records of the United States Patent and Trademark Office ("PTO") shows Opposer as the owner of the five registrations listed in paragraph 5.



10-25-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #64

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 6 of the Notice of Opposition, and therefore denies the same, except to the extent that Applicant admits that the Application Serial No. 76/585,300 was filed on April 6, 2004.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 7 of the Notice of Opposition, and therefore denies the same.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 8 of the Notice of Opposition, and therefore denies the same.

9. Applicant denies the allegations of Paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations of Paragraph 10 of the Notice of Opposition.

ANSWER TO COUNT I:

11. See paragraphs 1-10 above, which are incorporated by reference herein.

12. Applicant denies the allegations of Paragraph 12 of the Notice of Opposition.

13. Applicant denies the allegations of Paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations of Paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations of Paragraph 15 of the Notice of Opposition.

16. Applicant denies the allegations of Paragraph 16 of the Notice of Opposition.

17. Applicant denies the allegations of Paragraph 17 of the Notice of Opposition.

ANSWER TO COUNT II:

18. See paragraphs 1-17, which are incorporated by reference herein.

19. Applicant denies the allegations of Paragraph 19 of the Notice of Opposition.

20. Applicant denies the allegations of Paragraph 20 of the Notice of Opposition.

21. Applicant denies the allegations of Paragraph 21 of the Notice of Opposition.

22. Applicant denies the allegations of Paragraph 22 of the Notice of Opposition.

23. Applicant denies the allegations of Paragraph 23 of the Notice of Opposition.

WHEREFORE, Applicant respectfully requests that this Opposition be denied and dismissed, and that Applicant be awarded such further relief as this Honorable Board may deem just and appropriate.

APPLICANT'S PRAYER FOR RELIEF

WHEREFORE Applicant prays that this Honorable Board:

A. Find that there is no likelihood of confusion between Applicant's NEXTRAX mark in conjunction with Applicant's identified Class 9, 37 and/or 42 goods and/or services vis-à-vis any of Opposer's pleaded marks in conjunction with any of Opposer's alleged goods and/or services;

B. Find that none of Opposer's marks is a "famous" mark, particularly in the context of the Class 9, 37, and/or 42 goods and/or services identified in Applicant's application;

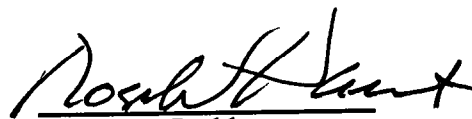
C. Find that Applicant's adoption, use, and/or application to register and/or registration of its NEXTRAX mark in conjunction with its identified Class 9, 37 and/or 42 goods and/or services has not diluted, and is unlikely to dilute, any rights that Opposer has in any pleaded mark;

D. Enter judgment for Applicant dismissing Opposer's Notice of Opposition in its entirety; and

E. Awarding Applicant any further relief that this Honorable Board deems appropriate.

Respectfully submitted,

CAD CENTER CORPORATION



Roger W. Parkhurst
Rachel M. Marmer
STEPTOE & JOHNSON LLP
13330 Connecticut Avenue, N.W.
Washington, DC 20036
Tel.: (202) 429-6420
Fax.: (202) 429-3902
Attorneys for Applicant

October 25, 2005

Atty. Dkt. No. 29020.0033

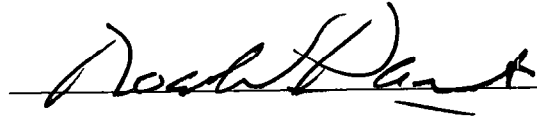
CERTIFICATE OF SERVICE

I hereby certify that on this date, I caused APPLICANT CAD CENTER CORPORATION'S ANSWER TO NOTICE OF OPPOSITION to be served by postage prepaid, first class mail, on counsel for Opposer Nextel Communications, Inc., as follows:

Christopher E. George
Morrison & Foerster LLP
2000 Pennsylvania Avenue, N.W.
Suite 5500
Washington, D.C. 20006

Attorneys for Opposer Nextel Communications, Inc.

Dated: October 25, 2005



STEPTOE & JOHNSON LLP

ATTORNEYS AT LAW

Roger W. Parkhurst
202.429.6420
rparkhurst@steptoe.com

1330 Connecticut Avenue, NW
Washington, DC 20036-1795
Tel 202.429.3000
Fax 202.429.3902
steptoe.com



October 25, 2005

VIA HAND DELIVERY

Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
Madison East, Concourse Level Room C 55
600 Dulany Street
Alexandria, VA 22314

RE: Nextel Communications, Inc. v. Cad Center Corporation
Opposition No. 91166604
Mark: NEXTRAX
Our Ref.: 29020.0033

Dear Sir/Madam:

On behalf of Cad Center Corporation, Applicant in the above-referenced matter, please find for filing the original and one copy of Applicant's Answer to Notice of Opposition.

Also enclosed is an additional copy of the answer to be date stamped and returned by messenger.

If you have any questions, please do not hesitate to contact me.

Sincerely,



Roger W. Parkhurst

Enclosures

cc: Christopher E. George (w/encl.)