ESTTA Tracking number: **ESTTA70202**

Filing date: **03/09/2006**

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

Proceeding	91166972
Party	Defendant 25 Market Share, LLP 25 Market Share, LLP 1325 West 21st Street Tempe, AZ 85282
Correspondence Address	Charles H. Knull Ullman, Shapiro & Ullman, LLP 299 Broadway, Suite 1700 New York, NY 10007 vr@usulaw.com, chk@usulaw.com
Submission	Answer
Filer's Name	Vanessa Riviere
Filer's e-mail	vr@usulaw.com, chk@usulaw.com
Signature	/vanessa riviere/
Date	03/09/2006
Attachments	Amazing Face Answer(final).pdf (4 pages)

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

Phi Sciences, Opposer, -against- 25 Market Share, LLP, Applicant.	x x x x x x x x x x x	Opposition No. 91166972 Serial No. 78/413,122

ANSWER

Applicant, 25 Market Share, by its attorneys, Ullman Shapiro & Ullman, LLP, answers the Notice of Opposition as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Notice of Opposition.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Notice of Opposition.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Notice of Opposition.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Notice of Opposition.
5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Notice of Opposition.
6. Applicant denies the allegations contained in paragraph 6 of the Notice of Opposition.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Notice of Opposition.

8. Applicant denies the allegations contained in paragraph 6 of the Notice of Opposition.

9. Applicant denies the allegations contained in paragraph 6 of the Notice of Opposition.

FIRST AFFIRMATIVE DEFENSE

10. The Notice of Opposition should be dismissed for failure to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

11. The Notice of Opposition should be dismissed because Registration No. 1,699,680 for the mark AMAZING FACE expired under Section 8 of the Trademark Act on April 12, 2003.

THIRD AFFIRMATIVE DEFENSE

12. The Notice of Opposition should be dismissed because Opposer is not the owner of Registration No. 1,699,680, which in any event, has been cancelled.

FOURTH AFFIRMATIVE DEFENSE

13. The Notice of Opposition should be dismissed because the owner of Registration No. 1,699,680, Flanagan Technologies, Inc., abandoned the mark.

FIFTH AFFIRMATIVE DEFENSE

14. The Notice of Opposition should be dismissed because Registration No. 1,699,680 was assigned to Opposer in gross and the assignment is therefore void.

SIXTH AFFIRMATIVE DEFENSE

15. The Notice of Opposition should be dismissed because Opposer abandoned the mark.

WHEREFORE, Applicant respectfully requests that this Opposition be dismissed in its entirety and that judgment be entered for Applicant, along with such other and further relief as the Board deems just and proper.

Dated: New York, NY
March 9, 2006

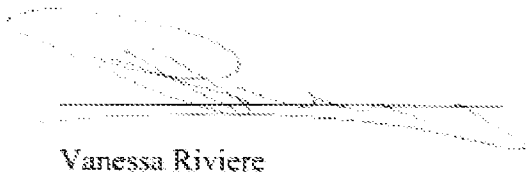
ULLMAN, SHAPIRO & ULLMAN, LLP

By: Vanessa Riviere
299 Broadway, Suite 1700
New York, NY 10007
(212) 571-0068

Attorneys for Applicant

Certificate of Service

A copy of the foregoing Answer was served by first class mail, postage prepaid, addressed to James N. Videbeck, attorney for Opposed, at Patnaude & Videbeck, Terrace Executive Center, Court C, 1 S 376 Summit Avenue, Oakbrook Terrace, IL 60181, this 9th day of March 2006.



Vanessa Riviere