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

BYDESIGN FINANCIAL SOLUTIONS,

Opposer

v.

MICKEY D. OWEN, SR.,

Applicant

In the matter of

Application Serial No. 78/562,308

For the mark: FINANCIAL SECURITY

BYDESIGN

Published in the Official Gazette

On January 10, 2006

Opposition No. 91169110

ANSWER

ANSWER

Mickey D. Owen Sr., by and through its undersigned counsel, answers the Notice of Opposition as follows:

1. Denied. Applicant lacks sufficient knowledge as to the assertions of fact or law as made by Opposer.

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-145 on the date shown below:

By: Brian Gibbons

Print Name: Brian Gibbons

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Document: BYDESIGN.01

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Answer

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2. Admitted in part. Applicant's date of first use is at least as early as September 8, 2003.
3. Denied. Applicant lacks sufficient knowledge as to the assertions of fact or law as made by Opposer.
4. Denied. Applicant lacks sufficient knowledge as to the assertions of fact or law as made by Opposer.
5. Denied.

AFFIRMATIVE DEFENSES

In further Answer to the Notice of Opposition, Applicant pleads the following affirmative defenses:

6. Applicant's mark is not confusingly similar to Opposer's cited mark, due to differences in the mark, services, channels of trade, sophistication of consumers and long-term use without any evidence of actual confusion.
7. Applicant reserves the right to assert additional affirmative defenses as they may become known through the process of discovery.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed, and that this cancellation proceeding be sustained in favor of Applicant.

BRIAN R. GIBBONS, P.A.

Attorney at Law

Answer

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Respectfully submitted,



Brian R. Gibbons

Attorney for Applicant

3/20/06

Date

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Larry Zerner, 1925 Century Park East, Suite 500, Los Angeles, CA 90067, this 20th day of March, 2006.



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