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Filing date: **09/18/2006**

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

|                        |  |
|------------------------|--|
| Proceeding             | 91171404   |
| Party                  | Defendant<br>FIRST ADVANTAGE CORPORATION<br>FIRST ADVANTAGE CORPORATION<br>ONE PROGRESS PLAZA SUITE 2400<br>ST. PETERSBURG, FL 33701 |
| Correspondence Address | CHRISTINA L. MARTINI<br>DLA PIPER RUDNICK GRAY CARY US LLP<br>P.O. BOX 64807<br>CHICAGO, IL 60664-0807                               |
| Submission             | Answer   |
| Filer's Name           | J. Todd Timmerman  |
| Filer's e-mail         | ttimmerman@slk-law.com   |
| Signature              | /J. Todd Timmerman/  |
| Date                   | 09/18/2006   |
| Attachments            | 28mr3035scn5891_000_110390_105432.pdf ( 5 pages )(94516 bytes )  |

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

**In the Matter of Application No. 78/631,395 for ANTHEM REPORT**  
**Applicant: First Advantage Corporation**  
**Application Date: May 17, 2005**  
**Publication Date: February 21, 2006**

|                                   |   |                         |
|-----------------------------------|---|-------------------------|
| ANTHEM INSURANCE COMPANIES, INC., | ) |                         |
|                                   | ) |                         |
| Opposer,                          | ) | Opposition No. 91171404 |
|                                   | ) |                         |
| v.                                | ) |                         |
|                                   | ) |                         |
| FIRST ADVANTAGE CORPORATION,      | ) |                         |
|                                   | ) |                         |
| Applicant.                        | ) |                         |

**ANSWER AND AFFIRMATIVE DEFENSES  
TO AMENDED NOTICE OF OPPOSITION**

Applicant, First Advantage Corporation (“Applicant”), by and through its undersigned attorneys and pursuant to Rule 2.106 of the Rules of Practice in Trademark Cases, files this its Answer and Affirmative Defenses to the Notice of Opposition filed by Opposer, Anthem Insurance Companies, Inc. (“Opposer”), and states as follows:

**ANSWER**

1. In response to paragraph 1 of the Amended Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of, and therefore denies, that Opposer is a corporation organized and existing under the laws of Indiana with a

principal business address at 120 Monument Circle, Indianapolis, Indiana 46204. Applicant denies the remaining averments contained in Paragraph 1 of the Notice of Opposition.

2. Applicant admits the averments contained in Paragraph 2 of the Amended Notice of Opposition.

3. Applicant admits the averments contained in Paragraph 3 of the Amended Notice of Opposition, with the exception that it denies that the subject application was assigned Serial No. 78/313,393.

4. In response to Paragraph 4 of the Amended Notice of Opposition, Applicant admits that it is engaged in various business lines, but denies the remaining averments contained in Paragraph 4 of the Amended Notice of Opposition.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the averments contained in Paragraph 5 of the Amended Notice of Opposition.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the averments contained in Paragraph 6 of the Amended Notice of Opposition.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the averments contained in Paragraph 7 of the Amended Notice of Opposition.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the averments contained in Paragraph 8 of the Amended Notice of Opposition.

9. Applicant denies the averments contained in Paragraph 9 of the Amended Notice of Opposition.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the averments contained in Paragraph 10 of the Amended Notice of Opposition.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of, and therefore denies, the averments contained in Paragraph 11 of the Amended Notice of Opposition.

12. Applicant denies the averments contained in Paragraph 12 of the Amended Notice of Opposition.

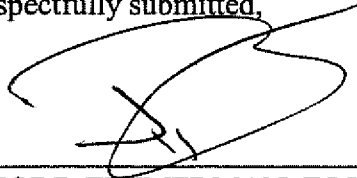
13. Applicant denies the averments contained in Paragraph 13 of the Amended Notice of Opposition.

**FIRST AFFIRMATIVE DEFENSE**

14. Opposer's Amended Notice of Opposition fails to state a claim upon which relief may be granted.

WHEREFORE, Applicant prays that this Opposition be dismissed, that its Application Serial No. 78/631,395 be granted, and that the mark therein, sought for the services therein specified in International Class 36, be registered.

Respectfully submitted,



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Attorneys for Applicant, First Advantage  
Corporation

September 18, 2006.

**PROOF OF SERVICE**

The undersigned hereby certifies that the foregoing Answer and Affirmative Defenses has been served upon Attorneys for Opposer, Janice W. Housey, Esquire and Michael J. Mlotkowski, Esquire, Roberts, Mlotkowski & Hobbes, P.C., Post Office Box 10064, McLean, Virginia 22102, as follows:

- by delivering a copy of the paper to the person served;
- by leaving a copy at the usual place of business of the person served, with someone in the person's employment;
- by leaving a copy at the residence of the person served, with a member of the person's family over the age of fourteen years and of discretion, since the person is not believed to have a usual place of business;
- by transmitting a copy to the person served by the "Express Mail Post Office to Addressee" service of the United States Postal Service;
- by transmitting a copy to the person served by first class mail;
- by transmitting a copy by overnight courier;

on September 18, 2006.



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J. Todd Timmerman, Esquire