

ESTTA Tracking number: **ESTTA99777**

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

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

Proceeding	91172246
Party	Defendant MJM INVESTIGATIONS, INC.  910 PAVERSTONE DRIVE RALEIGH, NC 27615
Correspondence Address	STEVEN N. TERRANOVA WITHROW & TERRANOVA, PLLC PO BOX 1287 CARY, NC 27512-1287
Submission	Answer
Filer's Name	Steven N. Terranova
Filer's e-mail	sterranova@withrowterranova.com,kfarrow@withrowterranova.com
Signature	/Steven N. Terranova/
Date	09/18/2006
Attachments	Answer_9-18-06.pdf ( 4 pages )(92128 bytes )

7. Denied.
8. Denied.
9. Denied.

**FIRST AFFIRMATIVE DEFENSE**

10. There is no likelihood of confusion between MJM's registration of, or use of the mark in Application Serial No. 78/554,002, and EAG's alleged use of "CaseTrack." MJM has disclaimed any exclusive right to use of "CASETRAK" apart from the other parts of the mark (stylized MJM and Cheetah design) in application Serial No. 78/554,002. These other parts of the mark in Application Serial No. 78/554,002 are not alleged to have been used or in use by EAG in their Notice of Opposition.

**SECOND AFFIRMATIVE DEFENSE**

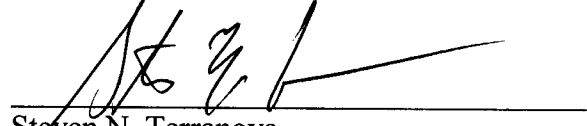
11. EAG claims are barred under the equitable doctrine of laches.

WHEREFORE, MJM prays that:

1. judgment be entered in favor of MJM;
2. judgment be entered against the Opposer EAG;
3. judgment be entered that there is no likelihood of confusion between MJM's Application Serial No. 78/554,002 and/or its use, and the Opposer's alleged use of "CaseTrack" as set forth in the Notice of Opposition;
4. judgment be entered that the Opposer's claims are barred under the equitable doctrine of laches; and
5. Application Serial No. 78/554,002 be registered.

Respectfully Submitted,

MJM INVESTIGATIONS, INC.

A handwritten signature in black ink, appearing to read 'S. N. Terranova', is written over a solid horizontal line.

Steven N. Terranova

WITHROW & TERRANOVA, PLLC

201 Shannon Oaks Circle, Suite 200

Cary, NC 27511

(919) 654-4520

Date: September 18, 2006

*Attorney for Defendant Applicant*



