

ESTTA Tracking number: **ESTTA133942**

Filing date: **04/05/2007**

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

Proceeding	91175895
Party	Defendant Missouri Doctors Mutual Insurance, Co. Missouri Doctors Mutual Insurance, Co. P.O. Box 914, 224 North 7th Street St. Joseph, MO 64502
Correspondence Address	Terry M. Gernstein 1015 Salt Meadow Lane McLean, VA 22101-2028 UNITED STATES
Submission	Answer
Filer's Name	Michael Elbein
Filer's e-mail	tmcketing.elbein@hovewilliams.com
Signature	/michael elbein/
Date	04/05/2007
Attachments	AnswertoNoticeofOpposition.pdf ( 3 pages )(35367 bytes )

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

In re Application No. 76645177

Mark: MISSOURI DOCTORS MUTUAL INSURANCE COMPANY and Design

The Doctors Company	)	
Opposer	)	
	)	Opposition No. 91175895
v.	)	
	)	
Missouri Doctors Mutual	)	
Insurance Company	)	
Applicant	)	

**ANSWER TO NOTICE OF OPPOSITION**

Applicant Missouri Doctors Mutual Insurance Company (“Applicant”) in answer to the Notice of Opposition, states as follows:

1. Applicant is without sufficient information to admit or deny the allegations of Paragraph 1 of the Notice of Opposition and therefore denies the same.
2. Applicant admits the allegations in Paragraph 2 of the Notice of Opposition.
3. Applicant is without sufficient information to admit or deny the allegations of Paragraph 3 of the Notice of Opposition and therefore denies the same.
4. Applicant is without sufficient information to admit or deny the allegations of Paragraph 4 of the Notice of Opposition and therefore denies the same.
5. Applicant admits the allegations of Paragraph 5 of the Notice of Opposition.
6. Applicant admits the allegations of Paragraph 6 of the Notice of Opposition.
7. Applicant admits that its mark in the current application consists of MISSOURI DOCTORS MUTUAL INSURANCE COMPANY with a design element, a domain name and a telephone number, as alleged in Paragraph 7 of the Notice of Opposition. Further answering,

Applicant denies that the term MODOCS has no trademark significance, and denies any remaining allegations in Paragraph 7 of the Notice of Opposition.

8. Applicant admits that its date of first use of the mark that is the subject of this proceeding began at least as early as April 1, 2004 as alleged in Paragraph 8 of the Notice of Opposition; further answering Applicant states that it applied to register Missouri Doctors Mutual Insurance Company as its corporate name and before the Missouri Department of Insurance before that date.

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.

11. Applicant admits that both parties seek to register their marks in connection with insurance underwriting services in the field of medical malpractice insurance; denies the remaining allegations of Paragraph 11 of the Notice of Opposition.

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 each and every allegation of the Notice of Opposition unless specifically admitted herein.

15. Applicant denies that Opposer is entitled to the relief sought.

16. Opposer's Notice of Opposition fails to state a claim upon which relief can be granted.

17. The mark upon which Opposer bases its claim is generic or so highly descriptive as not to serve as a source indicator.

18. Applicant reserves its rights to assert additional defenses and /or counterclaims as

may be determined through discovery.

WHEREFORE, having fully responded, Applicant requests that the opposition be dismissed and that Applicant's application be allowed to proceed to registration.

Respectfully submitted,

**Missouri Doctors Mutual Insurance Company**  
(Applicant)

**HOVEY WILLIAMS LLP**

By           /michael elbein/            
Michael Elbein  
Thomas H. Van Hoozer  
Cheryl L. Burbach  
2405 Grand Boulevard, Suite 400  
Kansas City, Missouri 64108  
(816) 474-9050

ATTORNEYS FOR APPLICANT

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of Answer to Notice of Opposition was mailed, first class, postage prepaid, this 5th day of April, 2007 to the following:

Marlene J. Williams  
Thelen Reid Brown Raysman & Steiner LLP  
PO Box 190187  
San Francisco, CA 94119-1087

Attorneys for Opposer

          /michael elbein/