

ESTTA Tracking number: **ESTTA159014**

Filing date: **08/27/2007**

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

Proceeding	91178443
Party	Defendant TD BANKNORTH INC.
Correspondence Address	TERESA C. TUCKER GROSSMAN, TUCKER, PERREAULT & PFLEGER, P 55 S COMMERCIAL ST MANCHESTER, NH 03101-2606  jhobbs@gtp.com
Submission	Answer
Filer's Name	Teresa C. Tucker
Filer's e-mail	ttucker@gtp.com, jhobbs@gtp.com
Signature	/tct/
Date	08/27/2007
Attachments	SKMBT_50007082709380.pdf ( 4 pages )(141788 bytes )

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

\*\*\*\*\*

THE FINANCIAL TIMES LIMITED,

OPPOSER

v.

OPP. NO.  
91178443

TD BANKNORTH INC.

APPLICANT

\*\*\*\*\*

**ANSWER TO NOTICE OF OPPOSITION**

NOW COMES Applicant, TD Banknorth Inc., by and through its Attorneys, and hereby Answer's the Notice of Opposition.

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments set forth 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 averments set forth 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 averments set forth 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 averments set forth in paragraph 4 of the Notice of Opposition.
5. Applicant admits that Registration of a trademark would give statutory rights to Applicant's Marks, but Applicant is without knowledge or information sufficient to form a belief as to the remaining averments of paragraph 5 of the Notice of Opposition.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments set forth in paragraph 6 of the Notice of Opposition.

7. Applicant admits the averments of paragraph 7 of the Notice of Opposition.

8. Applicant admits the averments of paragraph 8 of the Notice of Opposition.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments set forth in paragraph 9 of the Notice of Opposition.

10. Applicant denies the averments of paragraph 10 of the Notice of Opposition.

11. Applicant neither admits nor denies the averments of paragraph 11 of the Notice of Opposition as it requires a legal conclusion.

12. Applicant denies the averments of paragraph 12 of the Notice of Opposition.

13. Applicant denies the averments of paragraph 13 of the Notice of Opposition.

### AFFIRMATIVE DEFENSES

#### FIRST AFFIRMATIVE DEFENSE

The Opposition fails to state a cause of action for which relief can be granted.

#### SECOND AFFIRMATIVE DEFENSE

The Opposer's marks and Applicant's marks are so different in sound, appearance and meaning that there is no likelihood of confusion.

#### THIRD AFFIRMATIVE DEFENSE

The Opposer's goods and services and the Applicant's services are so different that there is no likelihood of confusion.

#### FOURTH AFFIRMATIVE DEFENSE

The Opposer's channels of trade and the Applicant's channels of trade are so different that there is no likelihood of confusion

#### FIFTH AFFIRMATIVE DEFENSE

The term "FT" is used by many third parties as a trademark, part of a trademark, or descriptive term or acronym in connection with a variety of goods and services and thus Opposer is estopped from claiming exclusive rights in the term "FT."

#### SIXTH AFFIRMATIVE DEFENSE

Applicant states that it intends to rely upon such other and further defenses as may become available or apparent during proceedings in this case and hereby reserves the right to amend its Answer to assert such defenses.

WHEREFORE, Applicant prays:

1. That Opposer's Notice of Opposition be dismissed with prejudice;
2. That such other further relief be granted Applicant as may be deemed appropriate by the Trademark Trial and Appeal Board.

Date: August 27, 2007

TD BANKNORTH INC.

BY: Teresa C. Tucker

Teresa C. Tucker  
GROSSMAN, TUCKER, PERREAULT  
& PFLEGER PLLC  
55 South Commercial Street  
Manchester, NH 03101  
603-668-6560  
ttucker@gtp.com  
Attorney for Applicant

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that this correspondence is being deposited via the Electronic System for Trademark Trials and Appeals on August 27, 2007.

By: *Terrence J. Kelly*

CERTIFICATE OF SERVICE

I hereby certify that I have served Opposer, The Financial Times Limited with the foregoing Answer and Affirmative Defenses by depositing this day a copy of the same in the United States mail in a first class postage prepaid envelope addressed to Alfred W. Zaher, Blank Rome LLP, One Logan /Square, Philadelphia PA 19103.

By: *Terrence J. Kelly*  
Date: *August 27, 2007*