

ESTTA Tracking number: **ESTTA216010**

Filing date: **06/05/2008**

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

Proceeding	91183234
Party	Defendant Aguirre, Rene
Correspondence Address	AGUIRRE, RENE 9627 BORSON ST DOWNEY, CA 90242-4927 UNITED STATES steve@purealtar.com
Submission	Answer
Filer's Name	Rene Aguirre
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Date	06/05/2008
Attachments	Trademark Response 060508.pdf (2 pages)(9935 bytes)

Opposition Number: 91183234

Defendant:

Rene Aguire RE:

Ocean Motion
9627 BORSON ST
DOWNEY, CA 90242-4927

v.

Plaintiff:

Ocean Minded, Inc.
Faegre & Benson LLP
1700 Lincoln Street 3200 Wells Fargo Center
Denver, CO 80203-4532

In response to the filing of opposition by Ocean Minded, Inc and their representing attorneys we are submitting the following in answer. We contest the argument of "likelihood of confusion" between the marks because the Ocean Minded mark consists of two different components: the "OM" as the first mark, and the "Ocean Minded" as the second mark. Our mark consists of one component: the "OM" with the words "Ocean Motion" together. The Ocean Minded marks, if present together at the same time could potentially be confusing, however their mark does not consist of both components present at the same time, they are two individual marks. Our mark is the combination of both the letters "OM" and "Ocean Motion" present at the same time, and therefore different than either of the Ocean Minded marks. Our mark will never appear separating the letters "OM" from the words "Ocean Motion". Because either of the Ocean Minded marks in of themselves are not too similar to the single Ocean Motion mark, there cannot be a comparison made. We respectfully acknowledge the the intentions of the opposition to preserve their marks. However, we wish to contest their opposition based on our claim that our mark is different from either one of the two marks the opposition holds claim to. Thank You.

Respectfully,

Rene Aguire

Thank You,

Re ne Aguire .