

ESTTA Tracking number: **ESTTA290807**

Filing date: **06/19/2009**

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

Proceeding	91190175
Party	Defendant 100 BLACKS IN LAW ENFORCEMENT WHO CARE
Correspondence Address	MARQUEZ CLAXTON MARQUEZ CLAXTON 22307 135TH AVE LAURELTON, NY 11413-2011 quezc@aol.com
Submission	Answer
Filer's Name	Conor F. Donnelly
Filer's e-mail	cf.d.esq@live.com
Signature	/Conor F. Donnelly/
Date	06/19/2009
Attachments	Answer_to_Notice_of_Opposition.pdf (3 pages)(33580 bytes) Certificate_of_Service_-_Answer_to_Notice_of_Opposition.pdf (1 page)(11669 bytes)

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

In the matter of Application No. 77626835 for **One Hundred Blacks In Law Enforcement Who Care**, published in the Official Gazette on April 14, 2009

100 BLACKS IN LAW ENFORCEMENT WHO CARE, INC. and 100 BLACKS WHO CARE, INC., Opposers v. 100 BLACKS IN LAW ENFORCEMENT WHO CARE, Applicant	Opposition No. 91190175
--	-------------------------

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Applicant's Answer to the Notice of Opposition

In response to the Notice of Opposition issued by the Board on May 13, 2009, Applicant, 100 Blacks in Law Enforcement Who Care answers the opposition identified above as follows:

1. The allegations of Paragraph 1 are denied.
2. The allegations of Paragraph 2 are denied.
3. The allegations of Paragraph 3 are denied.
4. The allegations of Paragraph 4 are denied.
5. The allegations of Paragraph 5 are denied.
6. The allegations of Paragraph 6 are denied.
7. In response to the allegations of Paragraph 7, Applicant admits that "Applicant's application is for services in class 35," but otherwise denies the allegations of Paragraph 7.
8. The allegations of Paragraph 8 are denied.
9. The allegations of Paragraph 9 are denied.

10. The allegations of Paragraph 10 are denied.

Affirmative Defenses

In further response to the Notice, Applicant states that:

11. Opposers have failed to allege grounds sufficient to establish standing to maintain the present opposition.
12. Opposers have knowingly abandoned the mark at issue with no intent of resuming use.
13. The pleadings are insufficient and fail to state a claim.
14. Applicant has prior rights to the mark at issue.
15. Applicant has prior registration of the mark at issue.
16. Opposers have consciously and improperly used the mark at issue in an attempt to improperly gain or assert trademark rights it did not possess.
17. Applicant asserts that the Board lacks personal jurisdiction over this matter.
18. Applicant asserts that the Board lacks subject matter jurisdiction over this matter.
19. Opposers are precluded from filing this Notice because of a prior judgment.
20. Opposers are restricted from bringing this action because Applicant has incontestable rights.
21. The Notice fails to comply with the most minimal pleading requirements.
22. Opposers have knowingly and intentionally made false statements to the Board amounting to fraud.
23. Opposers have made false statements to the Board amounting to mist.
24. To the extent that the Notice herein and the claims made by Opposer were not commenced within the time limited by law, the opposition is barred by the applicable

statute of limitations, and/or laches.

25. To the extent that Opposers failed and neglected to maintain this action in a swift, diligent and timely fashion, the opposition is barred by acquiescence and/or laches.
26. To the extent that the claims pleaded by Opposers herein fail to accord with the Federal Rules of Civil Procedure, Opposers' Notice is barred.
27. Opposers' claims should be dismissed on grounds of improper venue and/or *forum non conveniens*.
28. Applicant reserves the right to amend this Answer to assert additional defenses upon discovery of the specific facts upon which Opposers base their claims for opposition, and upon completion of further discovery.

Relief Requested

1. Applicant respectfully requests that this opposition proceeding be dismissed and that its registration issue forthwith.

Respectfully,

\s\ Conor F. Donnelly
Conor F. Donnelly, Esq.
Attorney for Applicant
100 Blacks In Law Enforcement Who Care
41 Prospect Park SW, Suite 4E
Brooklyn, New York 11215

Certificate of Service

The undersigned hereby certifies that a copy of the foregoing Applicant's Answer to the Notice of Opposition has been served upon the Attorney for Opposers on June 19, 2009, by depositing same in the United States Mail, first class postage prepaid, in an envelope addressed as follows:

Karen Bekker
Norris, McLaughlin & Marcus, P.A.
875 Third Avenue
New York, New York 10022

\s\ Conor F. Donnelly
Conor F. Donnelly, Esq.
Attorney for Applicant
100 Blacks In Law Enforcement Who Care
41 Prospect Park SW, Suite 4E
Brooklyn, New York 11215