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

Proceeding	91193982
Party	Defendant Doctor's Associates Inc.
Correspondence Address	Richard R. Michaud Michaud-Kinney Group LLP CenterPoint, 306 Industrial Park Road, Suite 206 Middletown, CT 06457-1532 UNITED STATES
Submission	Answer
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Date	04/06/2010
Attachments	1151-0020_Answer.pdf (4 pages)(28447 bytes)

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

In the Matter of:

Mark: FOOTLONG

Serial No.: 77/324,328

International Class: 030

Goods: Sandwiches

Filed: November 8, 2007

Published: September 1, 2009

DOMINO'S IP HOLDER LLC)
)
)
Opposer,)
)
v.)
)
DOCTOR'S ASSOCIATES, INC.)
)
)
Applicant)

Opposition No.: 91193982

Answer to Notice Of Opposition

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Applicant, Doctor's Associates, Inc. (DAI), a corporation organized under the laws of Florida and having offices at Suite 306, 300 South Pine Island Road, Plantation Florida 33324, by its undersigned attorneys, Answers the Notice of Opposition herein as follows.

1. In answer to paragraph 1 of the Notice of Opposition, Applicant denies that it seeks to register FOOTLONG as a trademark for sandwiches. FOOTLONG is a source identifier for DAI.
2. In answer to paragraph 2 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the statements made and therefore denies the same.
3. In answer to paragraph 3 of the Notice of Opposition, denied.
4. In answer to paragraph 4 of the Notice of Opposition, denied.
5. In answer to paragraph 5 of the Notice of Opposition, denied.
6. In answer to paragraph 6 of the Notice of Opposition, Applicant uses the FOOTLONG mark as a source identifier for DAI for the goods recited in Application No. 77/324,328.
7. In answer to paragraph 7 of the Notice of Opposition, denied. The disclaimer of the term “footlong” occurred in error. A petition to correct this error has been filed with the United States Trademark Office.
8. In answer to paragraph 8 of the Notice of Opposition, if Applicant were granted a trademark registration for the term FOOTLONG, it would have the right to prevent uses of the term by others that created a likelihood of confusion. Applicant is without information sufficient to form a belief as to whether Domino’s would be injured or damaged by such registration and therefore denies.
9. In answer to paragraph 9 of the Notice of Opposition, denied.
10. In answer to Opposer’s paragraph 10 of the Notice of Opposition, admitted that a trademark registration will give DAI an exclusive right to use FOOTLONG for the goods identified in the application, otherwise, denied.

11. In answer to paragraph 11 of the Notice of Opposition, denied.

WHEREFORE, Applicant requests that the Board dismiss Opposer's Notice of Opposition in its entirety with prejudice and allow Applicant's application for the FOOTLONG mark to be passed to issue.

Applicant hereby appoints the law firm of Michaud-Kinney Group LLP and the individual attorneys at such law firm, namely Richard R. Michaud, Registration No. 40,088; Wayne R. Grohs, Registration No. 48,945; Michael K. Kinney Registration No. 42,740; John H. Mutchler, Registration No. 53,362; Raymond D. Thompson, Registration No. 30,695; and Elizabeth Galletta, Registration No. 52,941, as its attorneys with full power of substitution and revocation to transact all business in and to receive all correspondence from the Patent and Trademark Office connected therewith.

Date: April 6, 2010

By /Richard R. Michaud/
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION has been served by First Class mail, this 6th day of April, 2010 upon the attorney for Opposer, at the following address:

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