

ESTTA Tracking number: **ESTTA357252**

Filing date: **07/09/2010**

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

Proceeding	91195233
Party	Defendant Mason & Mason Appraisers and Consultants, Inc., Inc.
Correspondence Address	Daniel Cotman Dalina Law Group, P.C. 117 E. Colorado Boulevard, Suite 460 Pasadena, CA 91105 docketing@dalinalaw.com
Submission	Answer
Filer's Name	Daniel Cotman
Filer's e-mail	docketing@cotmanip.com
Signature	//danielcotman//
Date	07/09/2010
Attachments	20100709 Answer to Opposition 1171-L1TT1.pdf (4 pages)(889027 bytes)

1 Daniel C. Cotman, Bar No. 218315
2 **COTMAN IP LAW GROUP, PLC**
3 117 E. Colorado Blvd., Suite 460
4 Pasadena, Ca 91105
5 Telephone (626) 405-1413
6 Facsimile (626) 628-0404
7 docketing@dalinalaw.com

8 Attorneys for Applicant,
9 Mason & Mason Real Estate Appraisers
10 and Consultants, Inc.

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

13 Re:
14 M2 Software, Inc.,
15 Opposer,
16 v.
17 Mason & Mason Real Estate Appraisers and
18 Consultants, Inc.,
19 Applicant.

Opposition No. 91195233

ANSWER TO NOTICE OF OPPOSITION

RE: U.S. SERIAL NO. 77/739,781

20 **ANSWER**

21 Applicant, Mason & Mason Real Estate Appraisers and Consultants, Inc. ("Applicant"),
22 by and through its counsel, answers and responds to the Notice of Opposition ("Opposition") by
23 M2 Software, Inc. ("Opposer" or "M2 Software").

24 This Answer to the Notice of Opposition is timely filed as the Notice of Opposition was
25 mailed on June 9, 2010 and this Answer is due on July 9, 2010.

26 Applicant responds to the allegations in the Notice of Opposition as follows:

27 1. Applicant is without knowledge or information sufficient to form a belief as to the
28 truth of the allegations contained in paragraph 1 of the Opposition and on that basis therefore
denies the allegations set forth therein.

1 2. Applicant admits that it has a pending trademark application to register its M2
2 mark (U.S. Serial No. 77/739,781), but is without knowledge or information sufficient to form a
3 belief as to the truth of the remaining allegations contained in the remainder of paragraph 2 of
4 the Opposition and on that basis denies the additional allegations set forth therein.

5 3. Applicant admits that it uses its M2 mark in connection with “management and
6 compilation of computerized databases” and “online non-downloadable software” providing and
7 “interactive electronic interface and project management tool made available for use by those
8 associated with a real estate acquisition or appraisal matters” namely Applicant’s clients in the
9 field of real estate, but is without knowledge or information sufficient to form a belief as to the
10 truth of the remaining allegations contained in the remainder of paragraph 3 of the Opposition
11 and on that basis therefore denies the additional allegations set for therein.

12 4. Applicant admits that the Examiner proposed a recitation under Class 009 for a
13 misclassified portion of the applicant’s services in the Office Action dated August 26, 2009. The
14 Applicant wholly denies the remaining allegations set forth in paragraph 4 and specifically
15 denies that it “refused, avoiding a requisite search of Class 009” as alleged in Paragraph 4.

16 5. Applicant is without knowledge or information sufficient to form a belief as to the
17 truth of the allegations contained in paragraph 5 of the Opposition and on that basis therefore
18 denies the allegations set forth therein.

19 6. Applicant admits that it uses its “MASON & MASON” (Reg. No. 3,491,656) and
20 “MASON2” (Reg. No. 3,677,118) marks in connection with its consulting and appraisal
21 services, but denies that Applicant has no legitimate need to use its M2 mark as alleged in
22 Paragraph 6.

23 7. Applicant is without knowledge or information sufficient to form a belief as to the
24 truth of the allegations contained in paragraph 7 of the Opposition and on that basis denies the
25 allegations set forth therein.

26 8. Applicant is without knowledge or information sufficient to form a belief as to the
27 truth of the allegations contained in paragraph 8 of the Opposition and on that basis denies the
28 allegations set forth therein.

- 1 9. Applicant denies the allegations set forth in paragraph 9 of the Opposition.
- 2 10. Applicant denies the allegations set forth in paragraph 10 of the Opposition.
- 3 11. Applicant denies the allegations set forth in paragraph 11 of the Opposition.
- 4 12. Applicant denies the allegations set forth in paragraph 12 of the Opposition.

5 Applicant's mark is used in a different channel of trade from that of the Opposer's mark, which
6 is used in connection with computer software in the music and entertainment industry. It is not
7 likely that use of the Applicant's mark would cause confusion as to the relationship, sponsorship,
8 affiliation, or other connection with Opposer's mark.

9 WEHREFORE, Applicant prays that this Opposition be dismissed and that a Certificate
10 of Registration for U.S. Serial No. 77/739,781 for the M2 mark be issued.

11
12
13 Dated: 7-9-, 2010

COTMAN IP LAW GROUP, PLC

14
15 
16 Daniel C. Cotman, Esq.
17 117 E. Colorado Blvd., Suite 460
18 Pasadena, CA 91105
19 Tel: 626-405-1413
20 Fax: 626-628-0404
21 Email: docketing@cotmanip.com

22
23
24
25
26
27
28 Attorneys for Applicant
Mason & Mason Real Estate Appraisers and
Consultants, Inc.

CERTIFICATE OF SERVICE

I, Elaine Cruz, hereby certify that the above Answer to Notice of Opposition was served on Opposer by depositing same with the U.S. Postal Service, first class postage prepaid, on July 9, 2010, addressed as follows:

David Escamilla, President and CEO
M2 SOFTWARE, INC.
6725 Sunset Blvd., Suite 230
Los Angeles, Ca 90028



Elaine Cruz

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28