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

Proceeding	91195792
Party	Defendant ARMADA, Ltd.
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Submission	Answer
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Date	08/05/2010
Attachments	002 Applicants answer to notice of opposition- opp No 91195792.pdf (5 pages) (323683 bytes)

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

In the Matter of Application Serial No. 77/792,322
For the Mark ARMADA (stylized)
Published in the Official Gazette on January 26, 2010

ARMADACORP CAPITAL, LLC Opposer, v. ARMADA, LTD. Applicant.	Opposition No. 91195792 ANSWER TO NOTICE OF OPPOSITION
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APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Applicant, ARMADA, LTD., for its answer to the Notice of Opposition filed by ARMADACORP CAPITAL, LLC, against application for registration in International Class 35 and 45 of Applicant’s trademark ARMADA (stylized), Serial No. 77/792,322, published in the Official Gazette on January 26, 2010, pleads and answers as follows:

1. Answering Paragraph 1 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations thereof.

2. Answering Paragraph 2 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations thereof.

3. Answering Paragraph 3 of the Notice of Opposition, Applicant admits that the United States Patent and Trademark Office lists that Armadacorp Capital, LLC is the owner of the following trademarks:

<u>Mark</u>	<u>Registration No.</u>	<u>Date of Registration</u>
ARMADA	3,042,271	January 10, 2006
ArmadaCare	3,341,346	November 20, 2007
ArmadaHealth	3,589,038	March 10, 2009

Responding further, Applicant does not have sufficient knowledge or information to form a belief as to all other allegations contained in paragraph 3 and accordingly denies such allegations.

4. Answering Paragraph 4 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations thereof.
5. Answering Paragraph 5 of the Notice of Opposition, Applicant admits it filed an application to register its mark on July 29, 2010; said application was assigned serial no. 77/792,322 and was published for opposition in the Official Gazette of January 26, 2010, and identified the services as “business risk management consultation” in Class 35, and “personal security consultation; consulting services in the field of maintaining the security and integrity of databases; and security services, namely, providing security assessments of physical locations, information systems and working environments” in Class 45. Responding further, applicant denies any and all other allegations contained in Paragraph 5.

6. Answering Paragraph 6 of the Notice of Opposition, Applicant denies the allegations thereof.
7. Answering Paragraph 7 of the Notice of Opposition, Applicant denies the allegations thereof.
8. Answering Paragraph 8 of the Notice of Opposition, Applicant denies the allegations thereof.
9. Answering Paragraph 9 of the Notice of Opposition, Applicant denies the allegations thereof.
10. Answering Paragraph 10 of the Notice of Opposition, Applicant denies the allegations thereof.

AFFIRMATIVE DEFENSES

11. Applicant affirmatively alleges that Opposer's claim is barred by the doctrines of laches, waiver and estoppel.
12. Applicant affirmatively alleges that the marks are sufficiently different that no consumer of either party's services would be confused with respect to the source of services or otherwise deceived; that the services of Applicant are sufficiently different from that of Opposer's services that they will not to allow for the possibility of any confusion as to the source of the services being provided; that the services will be marketed and sold through significantly different channels of trade and to a different class of purchasers; the class of purchasers of both marks

are sophisticated business owners that will exercise a high degree of care when purchasing Applicant and Opposer's respective services such that there will be no likelihood of confusion; and that Opposer's mark is not distinctive and is diluted. Therefore the marks are not likely to be confused and Opposer will not be damaged by the registration of Applicants mark.

In view of the foregoing, Applicant contends that this Opposition is groundless and baseless in that Opposer has not shown and cannot show wherein it will be, or is likely to be, damaged by the registration of Applicant's trademark. Therefore Applicant respectfully requests that this Opposition be dismissed with all costs to Opposer and that Applicant's mark be permitted to proceed to registration, and that the Board respectfully award all other relief for which Applicant is entitled.

Dated: August 5, 2010

Respectfully submitted,

Chester Willcox & Saxbe, LLP

By: 

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Certificate of Service

The undersigned hereby certifies that a copy of the foregoing Applicant's Answer to Notice of Opposition has been served upon the attorneys for Opposer on August 5, 2010 by depositing same in the United States Mail, first class postage prepaid, in an envelope addressed as follows:

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