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Filing date: **01/26/2011**

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

Proceeding	91197965
Party	Defendant GeaCom, Inc.
Correspondence Address	Z. PETER SAWICKI WESTMAN, CHAMPLIN & KELLY, P.A. 900 2ND AVE S STE 1400 MINNEAPOLIS, MN 55402-3244 psawicki@wck.com
Submission	Answer
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Date	01/26/2011
Attachments	Answer.pdf (5 pages)(150044 bytes)

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

In the matter of Trademark Application Serial No. 77/935,615 for the GEACOM Mark
Application Date February 15, 2010

_____)	
)	
GEA Group Aktiengesellschaft,)	
Opposer,)	Opposition No. 91197965
)	
v.)	
)	
)	
GeaCom, Inc.)	
Applicant.)	
_____)	

ANSWER TO NOTICE OF OPPOSITION

ANSWER

GeaCom, Inc. (“GeaCom”) is a company organized under the laws of the State of Minnesota and having a principle place of business at 394 Lake Avenue South, Suite 323, Duluth, Minnesota, 55802, and herewith answers the allegations contained within the Notice of Opposition.

GENERAL DENIAL

Unless expressly admitted, GeaCom denies every allegation contained within the Notice of Opposition.

ANSWER TO ALLEGATIONS CONTAINED IN NOTICE OF OPPOSITION

1. GeaCom is without sufficient information to respond to the allegations contained in paragraph 1 of the Notice of Opposition and therefore denies each and every allegation of paragraph 1 of the Notice of Opposition.

2. Admitted.

3. Admitted.

4. Admitted.

5. While information from the United State Patent and Trademark Office website purports to indicate that Opposer is the owner of the registrations set forth in paragraph 5, GeaCom has insufficient information to admit or deny the allegations contained in paragraph 5 of the Notice of Opposition, and therefore denies each and every allegation contained in paragraph 5 of the Notice of Opposition.

6. GeaCom is without sufficient information to respond to the allegations contained in paragraph 6 of the Notice of Opposition and therefore denies each and every allegation of paragraph 6 of the Notice of Opposition.

7. While the United State Patent and Trademark Office purports to indicate as such, GeaCom has insufficient information to admit or deny the allegations contained in paragraph 7 of the Notice of Opposition, and therefore denies each and every allegation contained in paragraph 7 of the Notice of Opposition.

8. Denied.

9. Denied.

10. Denied.

11. Denied.

12. Denied.
13. Denied.
14. Denied.
15. Denied.
16. Denied.
17. GeaCom admits that the entity “GeaCom, Inc.” was acknowledged as having been formed by the Secretary of State of the State of Minnesota on February 28, 2007. GeaCom denies the remaining allegations contained in paragraph 17 of the Notice of Opposition.
18. Denied.

DEFENSES

DEFENSE NO. 1

19. Applicant contends, by way of denial of Opposer’s allegations, that no likelihood of confusion is created.

DEFENSE NO. 2

20. Applicant contends that Opposer has at least partially abandoned any rights Opposer purports to have had in its marks.
21. Applicant specifically reserves the right to file additional Affirmative Defenses and Counterclaims as they may become known.

WHEREFORE, Applicant prays:

1. That the Notice of Opposition be dismissed in its entirety with prejudice.
2. That a registration on the Principal Register be issued to the Applicant for

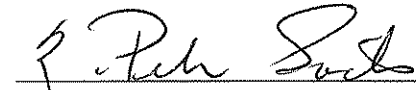
GEACOM mark as set forth in Application Serial No. 77/935,615.

Respectfully submitted,

WESTMAN, CHAMPLIN & KELLY, P.A.

Dated: _____

Jan 26, 2011



Z. Peter Sawicki

Peter J. Ims

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ATTORNEYS FOR APPLICANT

GEACOM, INC.

CERTIFICATE OF SERVICE

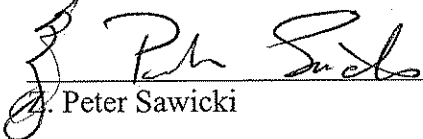
I hereby certify that I am over 18 years of age, am an employee of Westman, Champlin & Kelly, P.A., and am not a party to this action, and that on **January 26, 2011**, a copy of the following document:

I. ANSWER TO NOTICE OF OPPOSITION

was sent via First Class Mail, postage prepaid to:

Edward Playfair
Raymond R. Ferrera
Reber M. Boulton
Haverly MacArthur
ADAMS AND REESE, LLP
424 Church Street, Suite 2800
Nashville, Tennessee 37219

I certify under penalty of perjury that the foregoing is true and correct. Executed on **January 26, 2011**.


Peter Sawicki