

ESTTA Tracking number: **ESTTA488965**

Filing date: **08/14/2012**

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

Proceeding	91205931
Party	Defendant Choice One Restoration, Inc.
Correspondence Address	CHOICE ONE RESTORATION, INC. CHOICE ONE RESTORATION, INC. 996 BRISTOL PIKE BENSALEM, PA 19020-5603 office@tswresto.com
Submission	Answer
Filer's Name	John J. O'Malley
Filer's e-mail	JOMalley@vklaw.com, ktinker@vklaw.com, trademarks@vklaw.com
Signature	/John J. O'Malley/
Date	08/14/2012
Attachments	Answer to Notice of Opposition.pdf (3 pages)(75877 bytes)

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

In the Trademark Opposition of:

Mark: TRI STATE WATER
RESTORATION

Serial No.: 85/522,628

Filed: January 23, 2012

Tri State Restorations, LLC,
Opposer,

v.

Choice One Restoration,
Applicant.

Date: August 14, 2012

Opposition No. 91205931

ANSWER TO NOTICE OF OPPOSITION

Choice One Restoration ("Applicant") hereby files the Answer to Tri State Restorations, LLC's ("Opposer"), July 5, 2012 Notice Opposition. Applicant's answers are produced below. In addition, Applicant's affirmative defenses are provided.

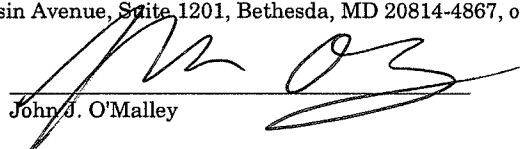
1. Admitted.
2. Admitted.
3. Denied.
4. Denied.

* * *
Certificate of Service and Mailing

I hereby certify that this correspondence is being filed online via ESTTA to: Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria, VA 22313-1451, on August 14, 2012.

I further certify that this correspondence is being deposited with the U.S. Postal Service as First Class Mail in an envelope addressed to Julian H. Spirer, Spirer Law Firm, P.C., 7101 Wisconsin Avenue, Suite 1201, Bethesda, MD 20814-4867, on August 14, 2012.

8/14/12
Date of Signature
2029299-1


John J. O'Malley

5. Denied.

6. Denied.

7. Denied.

8. Denied.

9. Admitted.

10. It is admitted that Opposer does not currently provides services in the Tri State area. The remaining allegations are denied.

11. Denied.

AFFIRMATIVE DEFENSES

1. Opposer has failed to state a claim upon which relief can be granted.

2. Opposer's claims are barred by the doctrine of unclean hands.

3. Opposer does not have proprietary rights in the TRI STATE WATER RESTORATION trademark.

4. Opposer's claims are barred, precluded, or limited by laches.

5. Opposer's claims are barred, precluded, or limited by estoppel.

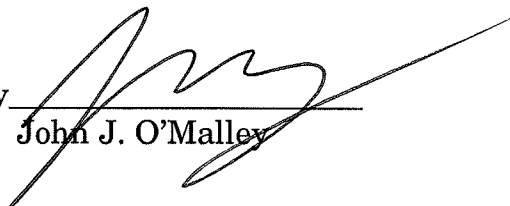
6. Opposer's claims are barred, precluded, or limited by the applicable statute of limitations.

WHEREFORE, Applicant requests entry of judgment dismissing Opposer's Notice of Opposition and this proceeding in its entirety.

Respectfully submitted,

Choice One Restoration,

Date: 8/14/2012

By 
John J. O'Malley

Volpe and Koenig, P.C.
United Plaza, Suite 1600
30 South 17th Street
Philadelphia, PA 19103
(215) 568-6400
jomalley@vklaw.com

Attorney for Applicant