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

Proceeding	91207824
Party	Defendant Zippay, LLC
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Date	11/28/2012
Attachments	Answer.pdf (3 pages)(50075 bytes)

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

DISCOVER FINANCIAL SERVICES,	Opposition No. 91207824
Opposer	Marks: ZP ZIPPAY
Vs	Serial No. 85374521
ZIPPAY, LLC.,	Published: April 24, 2012
Applicant	

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Applicant Zippay, LLC. (“Applicant”) through its undersigned attorneys, submits its Answer to the Notice of Opposition (“Opposition”) filed by Discover Financial Services (“Opposer”) dated October 22, 2012 as follows:

1. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations in paragraph 1 of the Opposition and therefore denies such allegations.
2. Applicant admits that the records of the United States Patent and Trademark Office (“USPTO”) reflect the allegations set forth in paragraph 2 of the Opposition.
3. Applicant denies the allegations in Paragraph 3 of the opposition.
4. Applicant denies the allegations in Paragraph 4 of the opposition.
5. Applicant denies filing an application for the mark on July 22, 2011. Applicant admits that the USPTO records reflect that Applicant filed the mark in international Class 009, on an intent to use basis for “computer software application for use in

making online payments via mobile phones, smart phones, tablet computers, personal digital assistants (PDA's) and computers".

6. Applicant denies the allegations in Paragraph 6 of the opposition.
7. Applicant denies the allegations in Paragraph 7 of the opposition.
8. Paragraph 8 of the Opposition states legal conclusions of the Opposer to which no answer is required. To the extent that further response is necessary, Applicant denies the allegations of Paragraph 8 of the opposition.

AFFIRMATIVE DEFENSES

1. Opposer has failed to state a claim upon which relief may be granted.
2. Applicant hereby gives notice that it may rely on any other defenses that may become available or appear proper during discovery, and hereby reserves the right to amend this Answer to assert any such defenses.

Dated: November 28, 2012

Respectfully submitted,

/Kuscha Hatami/

Kuscha Hatami

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CERTIFICATION OF MAILING AND SERVICE

I hereby certify that a true and complete copy of the APPLICANT'S ANSWER TO NOTICE OF OPPOSITION was forwarded by certified mail by depositing the same with the U.S. Postal Service, postage prepaid on this 29th day of November, 2012, to the following:

Deborah Squiers
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By: /Kuscha Hatami/

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