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

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|---------------------------|---|
| Proceeding | 91210145 |
| Party | Defendant Financial Institute Advisors, LLC |
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| Submission | Answer |
| Filer's Name | Devon E. White |
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| Signature | /DEW/ |
| Date | 05/15/2013 |
| Attachments | ACAD.21065 - Answer.pdf(34203 bytes) |

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

In the Matter of Application Serial No. 85/343,242

| | | |
|------------------------------------|---|-------------------------|
| CFA INSTITUTE, |) | |
| |) | |
| Opposer, |) | |
| |) | |
| v. |) | Opposition No. 91210145 |
| |) | |
| FINANCIAL INSTITUTE ADVISORS, LLC, |) | |
| |) | |
| Applicant. |) | |
| |) | |

Commissioner for Trademarks
U.S. Patent and Trademark Office
ATTN: BOX TTAB/NO FEE

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION WITH AFFIRMATIVE DEFENSES

Applicant Financial Institute Advisors, LLC (“Applicant”), by and through their counsel, hereby pleads and avers as follows to Opposer’s Notice of Opposition regarding Application Serial No. 85/343,242 (hereinafter the “Application”) for the CDFA Mark.

1. Denied. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1 of Opposer’s Opposition, and on that basis denies it, and demands strict proof thereof.

2. Applicant admits that the public records of the U.S. trademark registrations referenced in paragraph 2 speak for themselves; Applicant further lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 2 of Opposer’s Opposition that Reg. Nos. 935,504; 2,493,899; 2,495,459; 2,580,663; 2,661,114; 3,202,615; and 3,308,178

are currently valid and subsisting, and on that basis denies it. Except as specifically admitted, Applicant denies each and every allegation set forth in paragraph 2 in its entirety and demands strict proof thereof.

3. Denied. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3 of Opposer's Opposition, and on that basis denies it, and demands strict proof thereof.
4. Denied. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 4 of Opposer's Opposition, and on that basis denies it, and demands strict proof thereof.
5. Denied. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5 of Opposer's Opposition, and on that basis denies it, and demands strict proof thereof.
6. Denied. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 6 of Opposer's Opposition, and on that basis denies it, and demands strict proof thereof.
7. Denied. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 7 of Opposer's Opposition, and on that basis denies it, and demands strict proof thereof.
8. Applicant admits that U.S. Serial No. 85/343,242 is for the mark CDFA. Applicant admits that Applicant is listed as the owner of U.S. Serial No. 85/343,242 and the content of the Application speaks for itself. The remaining allegations in this paragraph are denied.
9. Denied.

10. Denied. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 10 of Opposer's Opposition, and on that basis denies it, and demands strict proof thereof.
11. Applicant again pleads and avers its responses in Paragraphs 1 through 10 of this Answer to the Opposition.
12. Denied.
13. Denied.
14. Denied.
15. Denied.
16. Denied.
17. Denied.
18. Applicant denies that permission or approval was or is needed. The remaining allegations in this paragraph are denied.
19. Applicant admits that the public records of the U.S. trademark registrations referenced in the Opposition speak for themselves. The remaining allegations in this paragraph are denied.
20. Applicant again pleads and avers its responses in Paragraphs 1 - 19 of this Answer to the Opposition.
21. Denied. Applicant lacks knowledge or information sufficient to form a belief as to the truth of this allegations set forth in paragraph 21 of Opposer's Opposition, and on that basis denies it, and demands strict proof thereof.
22. Denied.
23. Denied.

24. Denied.
25. Answering the paragraph following paragraph 24 in Opposer's Opposition, which is not numbered, Applicant denies each and every allegation set forth in its entirety.

AFFIRMATIVE DEFENSES

1. The answering Applicant is informed and believes and thereon alleges that the Notice of Opposition, and each purported cause of action contained therein, fails to state a claim for relief.
2. The answering Applicant is informed and believes and thereon alleges that the Notice of Opposition is barred by the doctrine of acquiescence, waiver, consent, laches, and/or estoppel.
3. The answering Applicant is informed and believes and thereon alleges that Opposer's claim is barred from recovery due to the fact that Applicant's mark is not confusingly similar in appearance, sound and connotation or commercial impression to Opposer's Marks.
4. The answering Applicant is informed and believes and thereon alleges that Opposer's claims are barred from recovery due to the fact that no likelihood of confusion, mistake or deception exists between Opposer's Marks and Applicant's Mark.
5. The answering Applicant is informed and believes and thereon alleges that that there is no likelihood of confusion because the United States Patent and Trademark Office did not cite Opposer's marks as bars or grounds for a refusal to registration of Applicant's mark.

6. The answering Applicant is informed and believes and thereon alleges that Applicant's use of Applicant's Mark has not diluted by blurring or tarnishment Opposer's marks in any manner because Opposer's marks are not famous within the meaning of Section 43(c) of the Lanham Act, 15 U.S.C. §1125(c), and therefore, are incapable of being diluted or tarnished.
7. The answering Applicant is informed and believes and thereon alleges that Opposer's claims are barred from recovery due to the fact that Applicant's use of Applicant's mark has not interfered with or harmed Opposer's marks, reputation or good will, and Opposer has not shown any injury or damage to Opposer's business reputation or quality of goods or services relating thereto.
8. The answering Applicant is informed and believes and thereon alleges that Opposer's claims are barred because there are a significant number of third-party users of three or four letter acronyms in the field of financial planning and financial analysis services fields containing combinations of the letters similar to CFA.
9. The answering Applicant is informed and believes and thereon alleges that Opposer will not be damaged and is not likely to be damaged by the registration of Application No. 85/343,242.

WHEREFORE, having fully answered, Applicant, Financial Institute Advisors, LLC, prays that the Notice of Opposition be dismissed in its entirety. Additionally, Applicant reserves the right to raise any and all affirmative defenses that may be warranted by evidence disclosed during the course of discovery and trial.

Respectfully submitted,

By: /s/ Devon E. White
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Date: May 15, 2013

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that the foregoing **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION WITH AFFIRMATIVE DEFENSES** to Application Serial No. 85/343,242 was delivered by electronic mail to Opposer's Attorney of Record Ann K. Ford at:

Ann.Ford@dlapiper.com

John.Nading@dlapiper.com

Radiance.Harris@dlapiper.com

dctrademarks@dlapiper.com

and by first class mail on Ann K. Ford, John M. Nading, Radiance A. Harris, DLA Piper LLP (US), 500 8th Street, NW, Washington, DC 20004 this 15th day of May, 2013.

/s/ Devon E. White_____

Devon E. White