

ESTTA Tracking number: **ESTTA586336**

Filing date: **02/10/2014**

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

Proceeding	91214266
Party	Defendant Electronic Transaction Systems Corporationon
Correspondence Address	MICHAEL P. FORTKORT MICHAEL P FORTKORT PC 13164 LAZY GLEN LN OAK HILL, VA 20171-2345 mfortkort@fortkort.com
Submission	Answer
Filer's Name	Andrew C. Sensi
Filer's e-mail	asensi@fortkort.com
Signature	/Andrew C. Sensi/
Date	02/10/2014
Attachments	Answer.pdf(88018 bytes)

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

FISERV, INC.)	Opposition No.: 91214266
)	
Opposer,)	Application No.: 85/917,072
)	
v.)	Filing Date: April 29, 2013
)	
ELECTRONIC TRANSACTION)	Published: September 3, 2013
)	
Applicant,)	
)	
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ANSWER TO NOTICE OF OPPOSITION

Applicant, Electronic Transaction Systems, Inc. (“Applicant”), responds to the Notice of Opposition, as follows:

1. Admitted.
2. Admitted.
3. Applicant is without knowledge or information concerning the allegations of paragraph three, and so denies the same.
4. Applicant is without knowledge or information concerning the allegations of paragraph four, and so denies the same.
5. Applicant is without knowledge or information concerning the allegations of paragraph five, and so denies the same.
6. To the extent paragraph six calls for a legal conclusion, Applicant denies the allegations contained in this paragraph.
7. To the extent paragraph seven calls for a legal conclusion, Applicant denies the allegations contained in this paragraph.
8. Applicant is without knowledge or information concerning the allegations of paragraph eight, and so denies the same.

9. Denied.

10. Denied.

11. Applicant is without knowledge or information concerning the allegations of paragraph eleven, and so denies the same.

12. To the extent paragraph six twelve for a legal conclusion, Applicant denies the allegations contained in this paragraph.

13. Denied.

14. Denied.

15. Admitted.

AFFIRMATIVE DEFENSES

By way of further answer and affirmative defenses, Applicant alleges as follows:

1. Opposer has failed to state a claim or valid basis for cancellation of Applicant's Registration upon which relief can be granted.

2. Applicant will assert any and all other valid defenses which may be available or developed through discovery and/or the testimony periods in this proceeding.

WHEREFORE, Applicant requests that the Opposer's Notice of Opposition be dismissed with prejudice in all respects.

Respectfully, submitted,

s/Andrew Sensi/
Andrew C. Sensi (Virginia Bar No. 84426)
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CERTIFICATE OF SERVICE

I hereby certify that a correct copy of the foregoing Notice of Opposition has been served on Applicant by sending the same by U.S. Mail to the Attorney and Correspondent of Record:

Katrina G. Hull
Michael Best & Friedrich LLP
100 E. Wisconsin Avenue
Suite 3300
Milwaukee, WI 53202

On the 10th day of February, 2014.

/Andrew C. Sensi/

Andrew C. Sensi

CERTIFICATE OF MAILING

I hereby certify that the original of said document was filed on the same day with the U.S.P.T.O. by electronically filing through the Electronic System for Trademark Trials and Appeals at <http://estta.uspto.gov>.

Dated: February 10, 2014

/Andrew C. Sensi/

Andrew C. Sensi