

ESTTA Tracking number: **ESTTA383441**

Filing date: **12/13/2010**

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

Proceeding	91197264
Party	Defendant Means, Danny
Correspondence Address	Raj Abhyanker Raj Abhyanker, P.C. Suite 8 1580 West El Camino Real Mountain View, CA 94040 trademarks@rajpatent.com
Submission	Answer
Filer's Name	Vandana Balakrishnan
Filer's e-mail	trademarks@rajpatent.com
Signature	/Vandana Balakrishnan/
Date	12/13/2010
Attachments	answer_danny_means.pdf (6 pages)(104155 bytes)

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

In the Matter of:

Application Serial No. 85025902

Mark "Rugby Tuff"

Published: October 5, 2010

Applicant: Danny Means

-----x

PRL USA HOLDINGS, INC.

Opposition Number: 91197264

Opposer,

-against-

DANNY MEANS,

Applicant.

-----x

Box: TTAB

Commissioner of Trademarks

P.O. Box 1451

Arlington, VA 22313-1451

ANSWER TO NOTICE OF OPPOSITION

Applicant Danny Means (hereinafter "Applicant"), by its attorneys, hereby submits its Answer to the notice of Opposition (hereinafter "Opposition") filed by PRL USA Holdings, Inc. (hereinafter "Opposer") dated November 4, 2010 as follows:

1. Denied. Applicant lack sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 1.
2. Denied. Applicant lack sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 2.
3. Denied. Applicant lack sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 3.
4. Denied. Applicant lack sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 4.
5. Denied. Applicant lack sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 5.
6. Denied. Applicant lack sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 6.
7. Denied. Applicant lack sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 7.
8. Denied. Applicant lack sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 8.
9. Denied. Applicant lack sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 9.
10. Denied. Applicant lack sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 10.
11. Denied. Applicant lack sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 11.

12. Denied. Applicant lack sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 12.
13. Denied. Applicant lack sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 13.
14. Admitted.
15. Admitted.
16. Admitted.
17. Denied. Applicant is in the process of commencing use of Applicant's mark in commerce. Opposer lacks sufficient information as to the truth contained in paragraph 17.
18. Denied.
19. Denied. Applicant lack sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 19.
20. Denied. Applicant lack sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 20.
21. Denied. Applicant lack sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 21.
22. Denied.
23. Denied. Applicant believes that the Applicant's mark is sufficiently distinct and unrelated to Opposer's mark.
24. Denied. Applicant lack sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 24.
25. Denied.

26. Denied. Applicant lack sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 26.
27. Denied. Applicant lack sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 27.
28. Denied. Applicant lack sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 28.
29. Denied. Applicant lack sufficient information or knowledge to form a belief as to the truth or falsity of the allegations contained in paragraph 29.
30. Denied.
31. Denied.
32. Denied.
33. Denied.
34. Denied.

AFFIRMATIVE DEFENSES

35. Opposer fails to state any claim upon which relief can be granted.
36. Opposer's marks are weak and are entitled to a narrow scope of protection.
37. There is no likelihood of confusion, mistake or deception, because, inter alia, Opposer's and Applicant's mark are not confusingly similar based on the inherent differences in the marks. Opposer's marks and Applicant's RUGBY TUFF are sufficiently dissimilar in appearance, sound and meaning to avoid a likelihood of confusion.
38. Opposer will not be damaged by Applicant's mark.
39. The opposition is barred by the doctrines of acquiescence, laches and/or estoppel, in that numerous other persons(including others not listed below) in Applicant's class 25 and

Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.