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

Proceeding	91197264
Party	Defendant Means, Danny
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Submission	Answer
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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

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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

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