

TTAB

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

In the Matter Of: Trademark Application No. 76/111835 for  
THIS WEEK IN HISTORY AND DESIGN in Classes 9, 16, 41; Published July 3, 2001



AO.COM, LLC,

Opposer,

v.

A&E TELEVISION NETWORKS

Applicant.

11-02-2001

U.S. Patent & TMO/TM Mail Rcpt Dt. #71

Opposition No. 123,817

Assistant Commissioner for Trademarks  
2900 Crystal Drive  
Arlington, Virginia 22202

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION  
AND COUNTERCLAIM FOR CANCELLATION OF REG. NO. 2,454,675

01 NOV - 8 PM 9:57

Applicant, A&E Television Networks, by and through its attorneys, answers the Notice  
of Opposition of AO.COM, LLC in the captioned proceeding as follows:

"Express Mail" No.: EF174015813US  
Date of Deposit : November 2, 2001

I hereby certify that this paper or fee is being  
deposited with the United States Postal Service  
"Express Mail Post Office to Addressee"  
service under 37 CFR 1.10 on the date  
indicated above and is addressed to the  
Assistant Commissioner for Trademarks, 2900  
Crystal Drive, Arlington, Virginia 22202-3513  
MARIE ANNE MASTROVITO

(Signature of person mailing paper or fee)

11/07/2001 KBEACH 00000056 76111835

01 FC:377

300.00 OP

gn

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Notice of Opposition, and therefore denies same.

2. Applicant admits the allegations in paragraph 2 that the Applicant has applied for registration of THIS WEEK IN HISTORY for audio tapes and discs and video tapes and discs featuring history, historical subjects and individuals, historical settings and historical dramas in International Class 9. The remaining allegations in paragraph 2 are denied.

3. Applicant admits the allegations in paragraph 3 that the Applicant has applied for registration of THIS WEEK IN HISTORY for books, magazines, pamphlets, brochures and educational materials, namely, brochures, pamphlets, study guides and workbooks all containing themes pertaining to history, historical subjects and historical individuals, historical settings and historical dramas in Class 16. The remaining allegations in paragraph 3 are denied.

4. Applicant admits the allegations in paragraph 4 that the Applicant has applied for registration of THIS WEEK IN HISTORY for entertainment services, namely, television programming featuring history, historical subjects and individuals, historical settings and historical dramas in International Class 41. The remaining allegations in paragraph 4 are denied.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Notice of Opposition, and therefore denies same.

6. The allegations in paragraph 6 of the Notice of Opposition are denied.

7. The allegations in paragraph 7 of the Notice of Opposition are denied.

WHEREFORE, Applicant-Petitioner believes that it is being and/or will be damaged by the continued subsistence of Registration No. 2,454,675, and respectfully requests that the Board grant the Applicant-Petitioner's counterclaim and cancel said registration.

The check in the amount of \$300 is attached to cover the official fee for the counterclaim/Petition to Cancel herein. Please charge deposit account 01-0035 for any additional fees or other amounts not covered by that check.

WHEREFORE, Applicant further requests that the Notice of Opposition be dismissed in its entirety and that a Notice of Allowance be issued with respect to the subject application.

Respectfully submitted,

  
\_\_\_\_\_  
LAWRENCE E. ABELMAN  
MARIE ANNE MASTROVITO

ABELMAN, FRAYNE & SCHWAB  
150 EAST 42ND STREET  
NEW YORK, NEW YORK 10017  
(212) 949-9022

*Attorneys for Applicant,  
A&E Television Networks*

Date: November 2, 2001

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION AND COUNTERCLAIM FOR CANCELLATION OF REG. NO. 2,454,675** was served by first class mail, postage prepaid, this 2nd day of November, 2001 upon Opposer:

Curtis L. Griggs  
Managing Director  
P.O. Box 2224  
Sedona, Arizona 86339

  
**MARIE-ANNE MASTROVITO**