

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

In the matter of Serial No. 76/265,772
Mark: BUNCO NIGHT
Published: December 25, 2001
Applicant: IGT



04-22-2002

U.S. Patent & TMO/c/TM Mail RoptDt. #61

JOYCE LOPETEGUY,

Opposer,

v.

IGT,

Applicant.

Opposition No. 91151035

Commissioner for Trademarks
BOX TTAB
2900 Crystal Drive
Arlington, Virginia 22202-3513

TRADEMARK TRIAL AND
APPEAL BOARD
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**ANSWER AND AFFIRMATIVE
DEFENSES TO NOTICE OF OPPOSITION**

IGT ("Applicant"), by its undersigned counsel, Bell, Boyd & Lloyd LLC, hereby files its Answer and Affirmative Defenses to the Notice of Opposition filed herein by Joyce Lopeteguy, Inc. ("Opposer"), as follows:

1. Opposer is the owner of United States Trademark Registration No. 922,745 for the mark PARTY BUNCO, for use with card games, which issued on October 26, 1971, was renewed on October 26, 1991, and was renewed again on October 26, 2001. A copy of the registration is attached hereto as Exhibit A and by this reference is incorporated herein as though fully set forth.

ANSWER: Applicant admits only that a copy of registration bearing Registration No. 922,745 is attached as Exhibit A to the Opposer's Notice of Opposition and states that the document speaks for itself. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 1, and therefore denies the same.

2. Opposer is the owner of United States Trademark Registration No. 1,694,622 for the mark BUNCO, for use with parlor games, which issued on June 16, 1992. Renewal of this mark must be filed prior to June 16, 2002, and that process is now in motion. A copy of the registration is attached hereto as Exhibit B and by this reference is incorporated herein as though fully set forth.

ANSWER: Applicant admits only that a copy of registration bearing Registration No. 1,694,622 is attached as Exhibit B to the Opposer's Notice of Opposition and states that the document speaks for itself. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 2, and therefore denies the same.

3. Both of Opposer's registrations are valid and subsisting, are in full force and effect, and are incontestible [sic].

ANSWER: Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 3 and therefore denies same.

4. Opposer has produced and sold numerous items pertaining to parlor and card games for several years prior to the May 31, 2001 filing date of Applicant's application, and such trademark rights of Opposer have not been abandoned.

ANSWER: Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 4 and therefore denies same.

5. Opposer has offered for sale, sold in retail establishments, and over the Internet through her website at *fungames.com* substantial quantities of items pertaining to parlor and card games. Opposer's marks are associated with and identify the source of the products sold by Opposer and represent valuable and substantial goodwill of Opposer in her business.

ANSWER: Applicant denies Opposer's marks are associated with and identify the source of the products sold by Opposer and represent valuable and substantial goodwill of Opposer in her business. Applicant denies that Opposer has sold over the Internet through her website at *fungames.com* substantial quantities of items pertaining to parlor and card games. Applicant is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 5 and therefore denies same.

6. Applicant's mark, BUNCO NIGHT, so resembles Opposer's BUNCO and PARTY BUNCO trademarks used in connection with Opposer's products, as to be likely, when applied to Applicant's products, to cause confusion, or to cause mistake, or to deceive.

ANSWER: Applicant denies the allegations contained in Paragraph 6.

7. Because of the similarity of Applicant's mark BUNCO NIGHT to Opposer's aforementioned registered trademarks, persons familiar with Opposer and her goods and services are likely to be misled into believing that Applicant's goods are sponsored by, or otherwise associated with, Opposer in some way, thereby damaging Opposer.

ANSWER: Applicant denies the allegations contained in Paragraph 7.

8. In view of the nature of Opposer's trademarks, Applicant's registration of the BUNCO NIGHT mark, if granted, will dilute and impair Opposer's trademarks and will result in loss of distinctiveness and exclusivity of Opposer's trademarks.

ANSWER: Applicant denies the allegations contained in Paragraph 8.

AFFIRMATIVE DEFENSES

1. There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's mark is not confusingly similar to Opposer's mark PARTY BUNCO.

2. There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's mark and Opposer's mark BUNCO are not confusingly similar.

3. There is no likelihood of confusion, mistake or deception because, *inter alia*, the goods offered under Applicant's mark will be sold in different channels of trade from the goods sold under Opposer's marks.

4. There is no likelihood of confusion, mistake or deception because, *inter alia*, the goods offered and/or sold under Applicant's mark and Opposer's marks are not related.

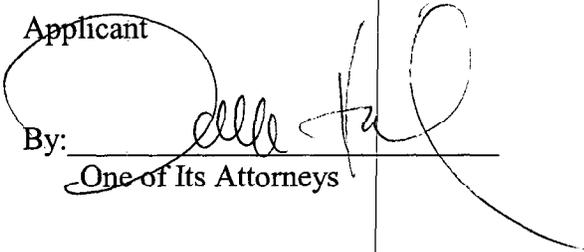
5. There is no likelihood of confusion, mistake or deception because, *inter alia*, the goods offered under Applicant's mark are expensive, and will be sold exclusively to sophisticated and discriminating consumers.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed with prejudice in its entirety.

DATED this 22nd day of April, 2002.

Respectfully submitted,
IGT,

Applicant

By: 

One of Its Attorneys

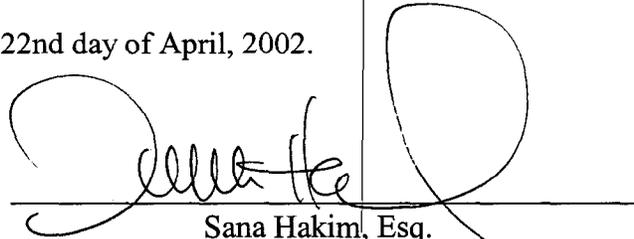
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CERTIFICATE OF SERVICE

The undersigned, an attorney, hereby certifies that she caused a copy of Applicant's Answer and Affirmative Defenses to Notice of Opposition to be served upon counsel for Opposer at the following address:

Dennis B. Haase, Esq.
Law Offices of Dennis B. Haase
P.O. Box 3592
Little Rock, AR 72203

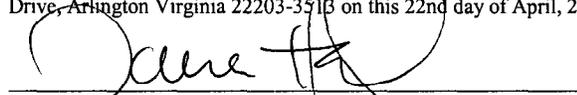
by first class mail, proper postage prepaid, this 22nd day of April, 2002.



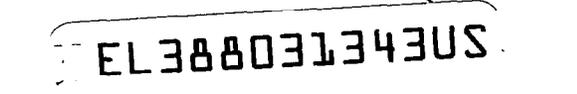
Sana Hakim, Esq.

CERTIFICATE OF EXPRESS MAIL:

I, Sana Hakim, do hereby certify that one original and one copy of the foregoing document are being deposited with the United States Postal Service as Express Mail, postage prepaid, in an envelope addressed to the Commissioner for Trademarks, BOX TTAB, NO FEE, 2900 Crystal Drive, Arlington Virginia 22203-3513 on this 22nd day of April, 2002.



Signature



Express Mail Label Number