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Kathy Mettee
Kathy Mettee

SEP 26 10 09 AM '02
TRADEMARK TRIAL AND APPEAL BOARD

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

Varsity Spirit Corporation, §
Opposer §
v. §
§
§
NSG Corporation §
Applicant §

Opposition No: **91152530**

Serial No.: 76/343,881

Mark: NDA NATIONAL DANCE
ALLIANCE & Design

**Box TTAB
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2900 Crystal Drive
Arlington, Virginia 22202-3513



09-26-2002
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #77

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant, NSG Corporation, by its attorneys of record, hereby submits its Answer to the Notice of Opposition filed by Varsity Spirit Corporation and issued by the Board on August 19, 2002, against application for registration of Applicant's trademark NDA NATIONAL DANCE ALLIANCE & Design, Serial No. 76/343,881, filed on November 30, 2001, and published in the Official Gazette of July 2, 2002, as follows:

1. In response to paragraph 1 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and accordingly, denies each and every such allegation.

2. In response to paragraph 2 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein and accordingly, denies each and every such allegation.

3. In response to paragraph 3 of the Notice of Opposition, Applicant admits the allegations contained therein.

4. In response to paragraph 4 of the Notice of Opposition, Applicant denies the allegations contained therein.

5. In response to paragraph 5 of the Notice of Opposition, Applicant denies the allegations contained therein.

DEFENSES AND AFFIRMATIVE DEFENSES

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

7. Opposer is barred by laches, waiver, acquiescence, estoppel and unclean hands from opposing the registration of Applicant's mark.

WHEREFORE, Applicant contends that this opposition is groundless and baseless in fact; that Opposer has not shown how it will be, or is likely to be, damaged by the registration of Applicant's trademark; and that Applicant's trademark is manifestly distinct from any pleaded mark of Opposer. Applicant denies that Opposer will be damaged in any manner by registration of Applicant's trademark NDA NATIONAL DANCE ALLIANCE & Design shown in Serial No. 76/343,881, denies that Opposer is entitled to any of the relief requested in the Notice of Opposition, and requests:

- 1) that this Opposition be dismissed and Applicant be granted registration of its application for the mark NDA NATIONAL DANCE ALLIANCE & Design; and

2) such other and further relief as is deemed just and proper.

Respectfully submitted,


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Date: September 26, 2002

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 26 day of September, 2002, the foregoing Applicant's Answer to Notice of Opposition was served on the following counsel of record for Opposer, in the manner indicated below:

Grady M. Garrison.....via first class mail, postage prepaid
Butler, Snow, O'Mara, Stevens & Cannada, PLLC
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