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TRADEMARKS
Atty. Docket No. 21677-01

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



Enterprise Rent-A-Car Company,)
)
 Opposer,)
)
 v.)
)
 Reed Elsevier Inc.,)
)
 Applicant.)
)

Opposition No. 157,924

11-06-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #66

Serial No. 76/460,395

Mark: MISCELLANEOUS DESIGN

Class: 39

TRADEMARK FEE PROCESS
RECEIVED
2003 NOV - 6 P 2: 21
US PATENT &
TRADEMARK OFFICE

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Commissioner for Trademarks
U.S. Patent and Trademark Office
2900 Crystal Drive
Arlington, Virginia 22202-3513

**APPLICANT'S ANSWER AND AFFIRMATIVE
DEFENSES TO OPPOSER'S NOTICE OF OPPOSITION**

Applicant, Reed Elsevier Inc., by and through its undersigned attorneys, hereby files its Answer and Affirmative Defenses to Opposer's Notice of Opposition:

1. In response to the first sentence of paragraph 1, Applicant's Application Serial No. 76/460,395 and page TM378 of the April 22, 2003 *Official Gazette* speak for themselves and Applicant respectfully refers Opposer and the Trademark Trial and Appeal Board to these documents and publications for confirmation of the contents thereof. In response to the second

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sentence of paragraph 2, Applicant admits that Opposer filed and was granted extensions of time to file a Notice of Opposition.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 2 and therefore denies the same.

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

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

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

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 and therefore denies the same.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 and therefore denies the same.

8. Applicant denies the allegations contained in paragraph 8.

9. Applicant denies the allegations contained in paragraph 9.

10. Applicant denies the allegations contained in paragraph 10.

11. Applicant denies the allegations contained in paragraph 11.

12. Applicant denies the allegations contained in paragraph 12.

13. Applicant denies the allegations contained in paragraph 13.

AFFIRMATIVE DEFENSES

1. The Notice of Opposition fails to state a claim upon which relief can be granted.
2. Applicant does not need Opposer's consent or permission to use Applicant's mark.
3. There is no likelihood of confusion.

Respectfully submitted,

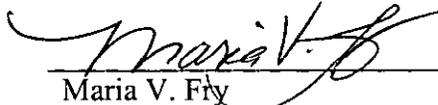
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Date: November 6, 2003

Attorneys for Applicant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing document **APPLICANT'S ANSWER AND AFFIRMATIVE DEFENSES TO OPPOSER'S NOTICE OF OPPOSITION** was served by First Class Mail upon Attorney for Opposer, Thomas A. Polcyn, Esq. of Thompson Coburn LLP, One US Bank Plaza, St. Louis, Missouri 63101 on November 6, 2003.



Maria V. Fry