

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

In the Matter of:

Application Serial No. 76/139,268
Filed: October 3, 2000
Published: November 4, 2003

ANGER MANAGEMENT)	
& ENTERTAINMENT, INC.,)	
)	
Petitioner,)	Opposition No. 91159635
)	
v.)	
)	
GOLIATH ARTISTS, INC.,)	
)	
Respondent.)	

ANSWER TO OPPOSITION

Respondent, Goliath Artists, Inc., by its attorneys, Robert S. Meloni, P.C., for its Answer to the Opposition filed by Petitioner, responds as follows:

1. Denies knowledge or information sufficient to form a belief with respect to the allegations in Paragraph 1 of the Opposition.
2. Admits the allegations in Paragraph 2 of the Opposition.
3. Admits the existence of the documents referred to in Paragraph 3 of the Opposition and otherwise denies knowledge or information sufficient to form a belief with respect to the allegations therein.
4. Denies knowledge or information sufficient to form a belief with respect to the allegations in Paragraph 4 of the Opposition.
5. Denies knowledge or information sufficient to form a belief with respect to the allegations in Paragraph 5 of the Opposition.

6. Denies knowledge or information sufficient to form a belief with respect to the allegations in Paragraph 6 of the Opposition.

7. Denies knowledge or information sufficient to form a belief with respect to the allegations in Paragraph 7 of the Opposition.

8. Admits the allegations in Paragraph 8 of the Opposition.

9. Admits the allegations in Paragraph 9 of the Opposition.

10. Denies knowledge or information sufficient to form a belief with respect to the allegations in Paragraph 10 of the Opposition.

11. Denies knowledge or information sufficient to form a belief with respect to the allegations in Paragraph 11 of the Opposition.

12. Denies the allegations in Paragraph 12 of the Opposition.

13. Denies the allegations in Paragraph 13 of the Opposition.

AFFIRMATIVE DEFENSES

In further answer to the Notice of Opposition, Applicant asserts that:

FIRST AFFIRMATIVE DEFENSE

Opposer's Notice of Opposition fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the opposition.

SECOND AFFIRMATIVE DEFENSE

Applicant's mark, when used on Applicant's goods and services, is not likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection or association of

Applicant with Opposer, or as to the origin, sponsorship, or approval of Applicant's goods by Opposer.

THIRD AFFIRMATIVE DEFENSE

Opposer lacks standing to oppose Applicant's mark because, upon information and belief, the alleged assignment of trademark rights from First Artists, LLC to Opposer on or about January 1, 2003 was invalid because:

- a. First Artists, LLC had no trademark rights to convey, given that it did not even exist when the application for the mark claimed by Opposer was filed, purportedly on behalf of First Artists, LLC, on August 7, 2000;
- b. The trademark was assigned without its associated goodwill and, hence, the assignment was an invalid assignment in gross; and/or
- c. The purported assignment was invalid for lack of consideration.

FOURTH AFFIRMATIVE DEFENSE

The Opposition is barred by the doctrine of waiver.

FIFTH AFFIRMATIVE DEFENSE

The Opposition is barred by the doctrine of estoppel.

SIXTH AFFIRMATIVE DEFENSE

The Opposition is barred by the doctrine of laches.

SEVENTH AFFIRMATIVE DEFENSE

The Opposition is barred by the doctrine of unclean hands.

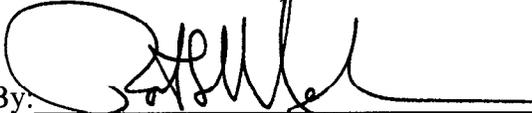
RELIEF REQUESTED

WHEREFORE, Applicant respectfully requests that this opposition proceeding be dismissed, with prejudice.

Dated: April 8, 2004

Respectfully,

ROBERT S. MELONI, P.C.

By: 

Robert S. Meloni

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Attorneys for Applicant Goliath Artists, Inc.

"EXPRESS MAIL" CERTIFICATE OF MAILING

Number: ER793473415US

Date of Deposit: April 8, 2004

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 C.F.R. §1.10 on the date indicated above and is addressed to the Assistant Commissioner of Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513, Attn.: Trademark Trial & Appeal Board, on April 8, 2004.



Robert S. Meloni

TTAB

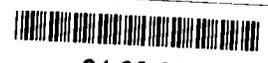
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April 8, 2004



04-08-2004

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Attn: Trademark Trial & Appeal Board

Re: **ANGER MANAGEMENT**
Application Serial No. 76/139,268
Opposition No. 91159635

Dear Sir/Madam:

I herewith enclose the Applicant's Answer to Opposition in connection with the above-referenced opposition proceedings.

Very truly yours,

ROBERT S. MELONI, P.C.

By: 
Robert S. Meloni

Enclosure