

*TTAB*

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

In the matter of Serial No. 275/758998



05-06-2004

U.S. Patent & TMOfo/TM Mail Rcpt Dt. #22

Dunham's Athleisure Corporation,	)
	)
Opposer,	)
v.	)
	)
New Balance Athletic Shoe, Inc.,	)
	)
Applicant.	)

Opposition No.9115972

**Certificate of Mailing**

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514, Attn: TTAB, on the date set forth below.

May 4, 2004  
Date of Signature and of Mail Deposit

By: *Thomas V. Smurzynski*  
Thomas V. Smurzynski  
Attorney for Applicant

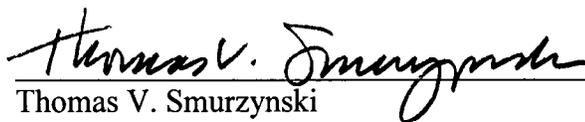
**ANSWER**

Applicant, New Balance Athletic Shoe, Inc., hereby answers the Notice of Opposition as follows:

1. Applicant admits the allegations of paragraph 1 of the Notice of Opposition.
2. Applicant denies the allegations of paragraph 2 of the Notice of Opposition.
3. Applicant denies the allegations of paragraph 3 of the Notice of Opposition.
4. Applicant denies the allegations of paragraph 4 of the Notice of Opposition.
5. Applicant denies the allegations of paragraph 5 of the Notice of Opposition.

6. Applicant denies the allegations of paragraph 6 of the Notice of Opposition.

Respectfully submitted,



Thomas V. Smurzynski  
Reg. No. 24,798  
LAHIVE & COCKFIELD, LLP  
28 State Street  
Boston, MA 02109  
(617) 227-7400  
Attorney for Applicant  
NEW BALANCE ATHLETIC SHOE, INC.

Dated: May 4, 2004

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing ANSWER was served by first-class mail, postage prepaid, on counsel for Opposer, Ronald Nabozny, Esq., Brooks Kushman P.C., 1000 Town Center, 22<sup>nd</sup> Floor, Southfield, MI 48075, this 4<sup>th</sup> day of May, 2004.



Thomas V. Smurzynski