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

<b>Proceeding</b>	91160975
<b>Party</b>	Defendant BAKERS FOOTWEAR GROUP INC. BAKERS FOOTWEAR GROUP INC. 2815 SCOTT AVENUE ST. LOUIS, MO 63103
<b>Correspondence Address</b>	Alan S. Nemes BLACKWELL SANDERS PEPER MARTIN 720 OLIVE ST FL 24 SAINT LOUIS, MO 63101-2338
<b>Submission</b>	Answer
<b>Filer's Name</b>	Anthony Martin
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<b>Signature</b>	/Anthony Martin/
<b>Date</b>	07/30/2004
<b>Attachments</b>	BallyOppositionAnswer.pdf ( 4 pages )

**CERTIFICATE OF MAILING**

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals on July 30, 2004.

/s/ Michael R. Annis

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

BALLY SCHUHFABRIKEN AG,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91/160,975
	)	
BAKERS FOOTWEAR GROUP, INC.,	)	
	)	
Applicant.	)	

**ANSWER TO NOTICE OF OPPOSITION**

COMES NOW Applicant, Bakers Footwear Group, Inc. (“Bakers” or “Applicant”), and for its Answer to the Notice of Opposition filed by Bally Schuhfabriken AG (“Bally” or “Opposer”) states as follows:

1. Bakers is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1, and accordingly denies the same.
2. Admitted.
3. While incorrectly identified in the Notice of Opposition as “Baker Footwear Group, Inc.,” Bakers admits that it is the Applicant of Record for U.S. Trademark Application Serial No. 78/048,493 (the “Application”), which is the subject of these proceedings. Bakers admits the existence of the Application, and further states that the Application speaks for itself as to its terms and contents and does not necessarily comport with the characterization or

description given in paragraph 3. Therefore, except as expressly admitted, Bakers denies the allegations and characterizations in paragraph 3.

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

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

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

7. Bakers is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 with respect to the characterization of the trademarks by the United States Patent and Trademark Office (“USPTO”); further states that the text of the USPTO website speaks for itself and is subject to change without notice; and accordingly denies any such characterization of the USPTO website. In addition, Bakers states that the Application and U.S. Trademark Registration No. 2,611,566 (the “cited registration”) speak for themselves as to their respective terms and contents, and accordingly denies the allegations and characterizations in paragraph 7.

8. Bakers admits that it has applied for Application Serial No. 78/048,493 in International Class 18 for “handbags and purses.” Bakers further states that the Application speaks for itself as to its terms and contents, and accordingly denies the allegations and characterizations of the Application in paragraph 8 except as expressly admitted.

9. Bakers is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 with respect to the alleged use of any trademark by Opposer, and accordingly denies the same. In addition, Bakers states that the cited

registration speaks for itself as to its terms and contents, and accordingly denies the allegations and characterizations of the registration in paragraph 9.

10. Bakers admits that it has applied for Application Serial No. 78/048,493 in International Class 25 for “footwear, clothing, namely jackets, scarves, belts, socks, hosiery.” Bakers further states that the Application speaks for itself as to its terms and contents, and accordingly denies the allegations and characterizations of the Application in paragraph 10 except as expressly admitted.

11. Bakers is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 with respect to the alleged use of any trademark by Opposer, and accordingly denies the same. In addition, Bakers states that the cited registration speaks for itself as to its terms and contents, and accordingly denies the allegations and characterizations of the registration in paragraph 11.

12. Bakers admits that it has applied for Application Serial No. 78/048,493 in International Class 26 for “footwear ornaments not of precious metal, hair ornaments and barrettes.” Bakers further states that the Application speaks for itself as to its terms and contents, and accordingly denies the allegations and characterizations of the Application in paragraph 12 except as expressly admitted.

13. Bakers is without information or knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 13, and accordingly denies the same.

14. Bakers denies the allegations contained in paragraph 14.

15. Bakers denies the allegations contained in paragraph 15.

**FURTHER ANSWER AND AFFIRMATIVE DEFENSES**

1. For further answer, and as an affirmative defense, Bakers states that Opposer's Notice of Opposition fails to state a claim upon which relief can be granted.

2. For further answer, and as an affirmative defense, Bakers states that its use and/or registration of the mark at issue in this Opposition, as specified in the Application, will not result in any confusion or any likelihood of confusion to the detriment of the Opposer.

3. For further answer, and as an affirmative defense, Bakers states that Opposer will not be damaged by Bakers' registration of the mark as specified in the Application.

4. For further answer, and as an affirmative defense, Bakers states that Opposer's stated opposition to Bakers' proposed registration of the subject mark is barred by the doctrine of unclean hands, waiver, estoppel, acquiescence, ratification, laches and/or abandonment.

Respectfully submitted,

Date: July 30, 2004

By: /s/ Michael R. Annis

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ATTORNEYS FOR APPLICANT  
BAKERS FOOTWEAR GROUP, INC.

**CERTIFICATE OF MAILING**

I hereby certify that a copy of the foregoing document was sent via U.S. Mail, postage pre-paid this 30th day of July, 2004 to: Michael J. Striker, Attorney for Opposer, 103 East Neck Road, Huntington, New York 11743.

/s/ Michael R. Annis