

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Mailed: August 24, 2005

Opposition No. **91164633**

WELLS FARGO & COMPANY

v.

NETELLER INC.

Frances S. Wolfson, Interlocutory Attorney:

Applicant's motion (filed May 10, 2005) to accept its late-filed answer is granted as conceded. See Trademark Rule 2.127(a).

A reading of applicant's answer, however, reveals that it does not specifically answer (i.e., admit or deny) the allegations of the notice of opposition. This is not a proper responsive pleading to the notice of opposition as it does not comply with Fed. R. Civ. P. 8(b), made applicable to this proceeding by Trademark Rule 2.116(a).

The notice of opposition filed by opposer herein consists of 6 paragraphs setting forth the basis of opposer's claim of damage. In accordance with Fed. R. Civ. P. 8(b), it is incumbent on applicant to answer the notice of opposition by admitting or denying the allegations contained in each paragraph. If applicant is without sufficient knowledge or information on which to form a

belief as to the truth of any one of the allegations, it should so state and this will have the effect of a denial See TBMP §318.

In view of the foregoing, applicant is allowed until **thirty days** from the mailing date of this order in which to file an answer herein which complies with Fed. R. Civ. P. 8.

Trial dates remain as set.