



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

SparkNet Communications, L.P.
and SparkNet Holdings, Inc.,

Opposers,

v.

WCLR, Inc.

Applicant

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: Opposition No. 91165655
: (Serial No. 78/439,187)
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08-03-2005

U.S. Patent & TMO/TM Mail Rcpt Ct. #11

ANSWER TO NOTICE OF OPPOSITION

WCLR, Inc. ("Applicant"), by and through counsel, states as follows in answer to the Notice of Opposition filed by SparkNet Communications, L.P. and SparkNet Holdings, Inc. ("Opposers") in the captioned proceeding:

In response to the first unnumbered paragraph of the Notice of Opposition, Applicant denies that Opposers will be damaged by registration of Applicant's mark, and Applicant denies that Opposers have standing to bring this opposition proceeding.

Applicant answers the numbered paragraphs of the Notice of Opposition as follows.

1. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 1 and therefore denies the same.
2. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 2 and therefore denies the same.
3. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 3 and therefore denies the same.
4. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in the first two sentences of Paragraph 4 and therefore denies the same. Applicant denies that Opposers' alleged mark is famous.

5. Applicant is without sufficient knowledge or information to form a belief as to the meaning of the undefined term "a confusingly similar mark" used by Opposers, and accordingly is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 5, and therefore denies the same.

6. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 6 and therefore denies the same. Applicant denies that it is inevitable that consumers will confuse Opposers' alleged mark with Applicant's mark.

7. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in Paragraph 7 regarding Opposers' alleged use, registration, or advertising of any mark, or regarding recognition by the public of any mark of Opposers, or regarding the relevant dates thereof, and therefore denies the same. Applicant denies that Opposers' alleged mark was ever famous or highly distinctive. Applicant admits that it filed Application No. 78/439,187 on an intent to use basis and has not begun use of the mark, but denies any legal conclusion that Opposers may seek to draw on that basis. Applicant denies the remaining allegations set forth in Paragraph 7, including any legal conclusions as to the "issue of priority" set forth therein.

8. Applicant admits the allegations of Paragraph 8.

9. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations set forth in the first sentence of Paragraph 9 and therefore denies the same. Applicant denies the allegations set forth in the second sentence of Paragraph 9.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

14. Applicant admits that a certificate of registration would have the statutory significance accorded it under the laws of the United States. However, Applicant denies that the

issuance of a registration to Applicant would damage Opposers and denies all other allegations set forth in Paragraph 14.

Applicant further denies that Opposer is entitled to the relief which it seeks. In all other respects, to the extent that any allegation in the Notice of Opposition has not been specifically admitted herein, such allegation is hereby denied.

AFFIRMATIVE DEFENSES

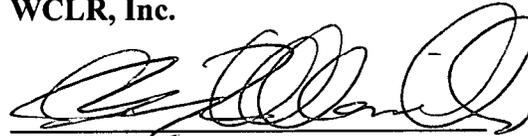
1. The notice of opposition fails to state a claim upon which relief may be granted.
2. Opposers lack standing to bring the opposition proceeding.

WHEREFORE, Applicant prays that the opposition be denied.

Respectfully submitted,

WCLR, Inc.

By:



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Date: August 3, 2005

Counsel for Applicant

CERTIFICATE OF SERVICE

The undersigned certifies that a true copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** was sent by first class mail, postage prepaid, to Opposer's counsel, Derek A. Newman, Newman & Newman, Attorneys at Law, LLP, 505 Fifth Avenue South, Suite 610, Seattle, Washington 98104, on this 3rd day of August, 2005.

Laurie C. Nelson

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