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

Proceeding	91168498
Party	Defendant Lovett, Terry Lovett, Terry 1575 Sunflower Avenue Costa Mesa, CA 92626
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Date	02/17/2006
Attachments	ANSWER.pdf (5 pages)

LOVETT.023M

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

Dots, LLC,
Opposer,

v.

Lovett, Terry
Applicant.

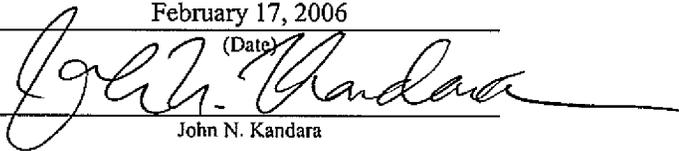
Opposition No. 91,168,498

Serial No.: 78/583,001

I hereby certify that this correspondence and all marked attachments are being electronically filed with the Trademark Trial and Appeal Board through their web site located at <http://esta.uspto.gov> on

February 17, 2006

(Date)


John N. Kandara

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

Terry Lovett ("Applicant"), hereby answers the Notice of Opposition filed by Dots, LLC ("Opposer") against U.S. Trademark Application Serial No. 78/583,001 as follows:

1. Answering Paragraph 1 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
2. Answering Paragraph 2 of the Notice of Opposition, Applicant admits that the term T-RAGS is the subject of an intent-to-use application filed by Applicant. As to the remaining allegations set forth in Paragraph 2, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

3. Answering Paragraph 3 of the Notice of Opposition, Applicant admits that Opposer's Exhibit A1 attached to the Notice of Opposition is a copy of the registration and recordation in the United States Patent and Trademark Office ("PTO") of the assignment of the mark RAGSPORT in International Class 25 to Opposer. Applicant also admits that Opposer's Exhibit A2 attached to the Notice of Opposition is a copy of a printout from the PTO website indicating that U.S. trademark application Serial No. 76/363,509 was filed on January 28, 2002, for the mark RAGSPORT in International Class 18. As to the remaining allegations set forth in Paragraph 3, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
4. Answering Paragraph 4 of the Notice of Opposition, Applicant admits that Opposer's Exhibit B attached to the Notice of Opposition is a copy of the registration of U.S. trademark registration No. 2,901,881 granted November 9, 2004, for the mark R.A.G. & design in International Class 25. As to the remaining allegations set forth in Paragraph 4, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
5. Answering Paragraph 5 of the Notice of Opposition, Applicant admits that Opposer's Exhibit C1 attached to the Notice of Opposition is a copy of the registration of U.S. trademark registration No. 2,955,189 granted May 24, 2005, for the mark RAG & design in International Class 25. Applicant also admits that Opposer's Exhibit C2 attached to the Notice of Opposition is a copy of a printout from the PTO website indicating that U.S. trademark application Serial No. 76/363,508 was filed on January 28, 2002, for the mark RAG & design in International Class 18 and in International Class 35. As to the remaining allegations set forth in Paragraph 5, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
6. Answering Paragraph 6 of the Notice of Opposition, Applicant admits that Opposer's Exhibit D attached to the Notice of Opposition is a copy of a printout

from the PTO website indicating that U.S. trademark application Serial No. 76/505,806 was filed on April 11, 2003, for the mark "RAG" in International Class 25 and in International Class 35. As to the remaining allegations set forth in Paragraph 6, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

7. Answering Paragraph 7 of the Notice of Opposition, Applicant admits filing an intent-to-use application for registration of the trademark T-RAGS in International Class 25 for "[c]lothing, namely, shirts, tank tops, jerseys, t-shirts, blouses, sweat shirts, sweaters, ponchos, shawls, scarves, dresses, skirts, shorts, overalls, jeans, pants, sweat pants, sweat shirts, coats, jackets, rainwear, belts, socks, swim wear, robes, gloves, mittens, sleepwear and under garments; headwear and footwear." Applicant admits that said application was given Serial No. 78/583,001, and that the mark was published in the Official Gazette on November 22, 2005. Applicant denies that Opposer has any prior rights in said T-RAGS trademark. As to the remaining allegations set forth in Paragraph 7, Applicant does not have sufficient knowledge or information to form a belief as to those allegations and accordingly denies them.
8. Answering Paragraph 8 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
9. Answering Paragraph 9 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to Opposer's allegations that "[s]ince long prior to March 8, 2005, Opposer has become extensively associated with retail sales of men's, women's and children's clothing and accessories by virtue of its contemporarily designed products. Opposer's customers include purchasers of apparel and accessories and are likely to include the same people before whom Applicant is using or intending to use the 'T-RAGS' trademark." There are numerous marks existing on the United States Patent and Trademark Office register that contain the term RAGS for clothing, headwear, footwear, and/or related products that are not affiliated with Opposer.

As to the remaining allegations set forth in Paragraph 9, Applicant denies each and every allegation contained therein.

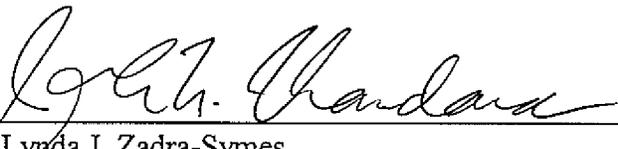
10. Answering Paragraph 10 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations. Applicant notes that there are numerous marks existing on the United States Patent and Trademark Office register containing the term RAGS for clothing, headwear, footwear, and/or related products that are not affiliated with Opposer.
11. Answering Paragraph 11 of the Notice of Opposition, Applicant denies each and every allegation contained therein. Numerous third-party marks unaffiliated with Opposer and existing on the United States Patent and Trademark Office register contain the term RAGS for clothing, headwear, footwear, and/or related products.
12. Answering Paragraph 12 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: 17 February 2006

By:



Lynda J. Zadra-Symes

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(949) 760-0404
Attorneys for Applicant,
Terry Lovett

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION upon Respondent by depositing one copy thereof in the United States Mail, first-class postage prepaid, on February 17, 2006, addressed as follows:

D. Peter Hochberg
D. PETER HOCHBERG CO., L.P.A.
The Baker Building, 6th Floor, 1940 East 6th Street
Cleveland, OH 44114



John N. Kandara

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