

ESTTA Tracking number: **ESTTA85146**

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

Proceeding	91170763
Party	Defendant HSOR, LLC HSOR, LLC 136 Lakeside Avenue Verona, NJ 07044
Correspondence Address	ALAN M. SACK HOFFMANN & BARON, LLP 6900 JERICHO TURNPIKE SYOSSET, NY 11791
Submission	Answer
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Date	06/13/2006
Attachments	ANSWER to opposition.pdf (4 pages)(11648 bytes)

4. Applicant lacks any information to form a belief as to the truth of the allegations set forth in paragraph 4 and therefore such allegations are denied.

5. Applicant lacks any information to form a belief as to the truth of the allegations set forth in paragraph 5 and therefore such allegations are denied.

6. Applicant lacks any information to form a belief as to the truth of the allegations set forth in paragraph 6 and therefore such allegations are denied.

7. Applicant lacks any information to form a belief as to the truth of the allegations set forth in paragraph 7 and therefore such allegations are denied.

8. Applicant lacks any information to form a belief as to the truth of the allegations set forth in paragraph 8 and therefore such allegations are denied.

9. Denied.

10. Applicant lacks any information to form a belief as to the truth of the allegations set forth in paragraph 10 and therefore such allegations are denied.

11. The allegations in the first clause of paragraph 11 call for a legal conclusion for which no answer is necessary. The second clause alleging damage to Opposer is denied.

AFFIRMATIVE DEFENSES

Applicant hereby sets forth its Affirmative Defenses to the Notice of Opposition as follows:

1. Opposer's mark POKERSTARS is descriptive.
2. Opposer has not established secondary meaning in the mark POKERSTARS in the mind of the purchasing public, i.e. distinctiveness, in the U.S. market prior to Applicant's filing date of November 19, 2003.

3. Opposer has not established secondary meaning in the mark POKERSTARS in the mind of the purchasing public, i.e. distinctiveness, in the U.S. market prior to Applicant's date of first use of the POKER SUPERSTARS mark in the United States commerce in July 2004.

4. Applicant rights in the POKER SUPERSTARS mark are superior to those of Opposer, based on the opposed application filing date of November 19, 2003 and Applicant's extensive promotion and use of the POKER SUPERSTARS mark since July 2004.

5. There is no likelihood of confusion between Applicant's mark "POKER SUPERSTARS" (as amended) for the goods set forth in the application, namely, "Poker Tournaments" and Opposer's mark POKERSTARS as it is used by Opposer on the internet.

6. Opposer lacks standing under section 13 of the Trademark Act to oppose.
7. Opposer's claim is barred by laches.
8. Opposer's claim is barred by estoppel.
9. Opposer's claim is barred by unclean hands.

Respectfully Submitted,

HSOR, LLC
By its attorneys,

Dated: June 13, 2006

/s/Alan M. Sack/
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER has been served via first-class mail and e-mail this 13th day of June, 2006 upon the following:

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/s/Alan M. Sack/
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