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

Proceeding	91174295
Party	Defendant RKS Design International RKS Design International 350 Conejo Ridge Avenue Thousand Oaks, CA 91361
Correspondence Address	DANIEL P. DOOLEY FELLERS, SNIDER ET AL. SUITE 1700 , 100 NORTH BROADWAY OKLAHOMA CITY, OK 73102-8820 UNITED STATES
Submission	Answer
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Signature	/Daniel P. Dooley/
Date	01/09/2007
Attachments	2007-01-09 - Answer to Notice of Opposition.pdf (4 pages)(155124 bytes)

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

Weber-Stephen Products Co. Opposer, v. RKS Design International Applicant.	))))))))))	Opposition No. 91174295

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

ANSWER TO NOTICE OF OPPOSITION

For its Answer to the Notice of Opposition filed by Weber-Stephen Products Co. (hereinafter "Opposer") the Applicant, RKS Design International (hereinafter "Applicant"), through its counsel, Daniel P. Dooley, Esq., states as follows:

1. The Applicant admits the allegations contained in Opposer's paragraph 1.

2. The Applicant admits the allegations contained in Opposer's paragraph 2.

3. The Applicant admits the allegations contained in Opposer's paragraph 3.

4. With reference to the allegations contained in Opposer's paragraph 4, the Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies them.

5. With reference to the allegations contained in Opposer's paragraph 5, the Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies them.

6. The Applicant admits the allegations contained in Opposer's paragraph 6.

7. The Applicant admits the allegations contained in Opposer's paragraph 7.

8. The Applicant admits the allegations contained in Opposer's paragraph 8, with the exception of the confidential settlement agreement ("Thane-Weber Settlement Agreement"), to which the Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies them.

9. With reference to the allegations contained in Opposer's paragraph 9, the Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies them.

10. The Applicant admits the allegations contained in Opposer's paragraph 10.

11. The Applicant denies the allegations contained in Opposer's paragraph 11.

12. The Applicant admits the allegations contained in Opposer's paragraph 12.

13. With reference to the allegations contained in Opposer's paragraph 13, the Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained therein, and therefore denies them.

14. The Applicant denies the allegations contained in Opposer's paragraph 14.

15. The Applicant denies the allegations contained in Opposer's paragraph 15.

16. The Applicant denies the allegations contained in Opposer's paragraph 16.

17. The Applicant denies the allegations contained in Opposer's paragraph 17.

18. The Applicant denies the allegations contained in Opposer's paragraph 18.

19. The Applicant denies the allegations contained in Opposer's paragraph 19.

20. The Applicant denies the allegations contained in Opposer's paragraph 20.

21. The Applicant denies the allegations contained in Opposer's paragraph 21.

DEFENSES

In further answer to the Notice of Opposition, Applicant asserts as separate defenses that:

1. The Notice, and each paragraph thereof, taken individually or collectively, fails to state a basis for the relief sought.

2. Opposer lacks standing to oppose registration of the Mark in that, on information and belief, Opposer does not have rights, superior or otherwise, sufficient to support a likelihood of confusion claim.

3. Opposer lacks standing to oppose registration of the Mark in that Opposer is not likely to be damaged by the registration of the Mark.

WHEREFORE, Applicant prays for relief and that the Opposition be dismissed with prejudice, and that the mark that is the subject of Serial No. 78/736,600 be allowed registration on the Principal Register.

Respectfully submitted,

Dated: JAN. 9, 2007

By: Daniel P. Dooley

Daniel P. Dooley, Reg. No. 46,369
Fellers, Snider et al.
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(405) 232-0621

Certificate of Electronic Filing Transmission

I hereby certify that this Answer to Notice of Opposition is being electronically transmitted to the TTAB of the United States Patent and Trademark Office via ESTTA on the date set forth below.

Dated: Jan. 9, 2007

By: Nancy J. Marshall
Nancy J. Marshall

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer to Notice of Oppostion has been served on Paula J. Krasny, Opposer's counsel by mailing said copy on January 9, 2007, via First Class Mail, postage prepaid to:

Paula J. Krasny
Baker & McKenzie LLP
One Prudential Plaza
130 E. Randolph Street, Suite 3900
Chicago, IL 60601

Dated: January 9, 2007

By: Daniel P. Dooley

Daniel P. Dooley, Reg. No. 46,369