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

Proceeding	91178797
Party	Defendant Dunlop Slazenger Group Limited
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Date	09/17/2007
Attachments	GRIP IT Answer to Opp.PDF (5 pages)(161241 bytes)

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

John Daly Enterprises, LLC,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91-178,797
	)	
Dunlop Slazenger Group Limited,	)	
	)	
Applicant.	)	

ANSWER TO NOTICE OF OPPOSITION

1. The Opposer in this matter is John Daly Enterprises, LLC and all of its predecessors in title (hereinafter referred to as "Opposer").

ANSWER: Applicant does not believe that Paragraph 1 contains matter to which a response is required. To the extent an answer is required, applicant denies the allegations of Paragraph 1.

2. Opposer, John Daly Enterprises, LLC, is a limited liability company organized under the laws of Florida with an address of P.O. Box 585159, Orlando, Florida 32858.

ANSWER: Applicant is without sufficient information to admit or deny the allegations of Paragraph 2.

3. Opposer believes that it will be damaged by registration of the mark shown in Application Serial No. 77/041508, and hereby opposes the same under Section 13 of the Trademark Act of July 5, 1946, 15 U.S.C. §1063. The required opposition fee accompanies the electronic filing of this Notice of Opposition.

ANSWER: Applicant denies that opposer will be damaged by registration of the mark shown in Application Serial No. 77/041,508. Applicant is without information sufficient to admit or deny the remaining allegations of Paragraph 3.

Certificate of Transmission
I hereby certify that this correspondence is being electronically transmitted to the Patent and Trademark Office on September 17, 2007.

4. Applicant is Dunlop Slazenger Group Limited, a private limited company of the United Kingdom, with an address of Grenville Court, Britwell Road, Burnham, Buckinghamshire SL1 8DF, United Kingdom.

ANSWER: Admitted

5. The grounds for opposition are as follows:

ANSWER: Applicant does not believe that Paragraph 5 contains matter to which a response is required. To the extent an answer is required, applicant denies the allegations of Paragraph 5.

6. Applicant seeks to register the mark GRIP IT & RIP IT bearing Application Serial No. 77/041508 in connection with "bags adapted for sporting articles; golf clubs; putters, namely golf putters; golf balls; putting golf balls, golf mats; gloves for golf; golf bags; bags adapted to carry equipment for golf; caddies bags for golf clubs; shaped covers for golf clubs; shaped covers for golf club heads; golf club covers; grips for golf clubs; handles for golf clubs; head covers for golf clubs; bag stands for golf clubs; golf club hoods; shaped covers for golf bags; golf bag travel covers; golf club bags; trolley bags for golf equipment" in class 28, as evidenced by publication of the mark in the Official Gazette of June 12, 2007.

ANSWER: Admitted.

7. Opposer has used the GRIP IT & RIP IT mark in interstate commerce in connection with the sale of golf-related goods and services (hereinafter collectively referred to as "Opposer's Goods and Services") since at least as early as 1991. This use has been valid and continuous and in interstate commerce since the aforementioned date and has not been abandoned.

ANSWER: Denied.

8. There is no issue as to priority, as Application Serial No. 77/041508 was filed on an intent-to-use basis on November 10, 2006 and Applicant has not yet filed a

Statement of Use. Applicant's filing date is subsequent to Opposer's first use of the mark in 1991.

ANSWER: Denied.

9. Now and at the time Applicant filed Application Serial No. 77/041508 and signed the Declaration required upon submission of an application: Applicant had actual and constructive knowledge of Opposer's prior rights in the GRIP IT & RIP IT mark; Applicant believed that a likelihood of confusion would result or had no reasonable basis for believing that a likelihood of confusion would not result from its registration and use of the mark; Applicant knew it was not the rightful owner of the mark; and Applicant willfully made false statements when it signed the Declaration, with the intent to deceive the U.S. Trademark Office and obtain a registration to which it is not entitled.

ANSWER: Denied.

10. Applicant's mark is identical to Opposer's mark in sound, appearance, and commercial impression.

ANSWER: Denied.

11. Both the goods specified in Application Serial No. 77/041508 and Opposer's Goods and Services are in the field of golf and golf accessories and are either identical or closely related.

ANSWER: Denied.

12. Because the marks are identical and the goods and services are identical and closely related, Opposer's customers and the general public are likely to be confused, mistaken, or deceived as to the affiliation, connection, or association of Applicant with Opposer, and would likely be misled into believing that Applicant's goods under the mark are provided, sponsored, or approved by Opposer.

ANSWER: Denied.

13. Opposer's GRIP IT & RIP IT mark is symbolic of extensive goodwill and consumer recognition build up by Opposer through substantial amounts of time and effort in advertising and promotion through various channels of trade, with the result that customers and the public in general have come to know and recognize the GRIP IT & RIP IT mark and to identify and associate it with Opposer.

ANSWER: Denied.

WHEREFORE, applicant prays that this opposition be dismissed with prejudice.

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

Dated: September 17, 2007

By _____

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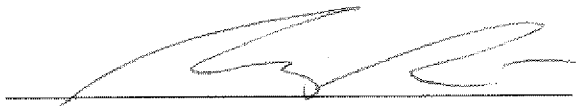
CERTIFICATE OF SERVICE

I, Sanjiv D. Sarwate, hereby certify that a copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** was served upon Joel T. Galanter, Adams and Reese LLP 424 Church Street, Suite 2800, Nashville, TN 37219, by first class mail, postage prepaid, on June 11, 2007.