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

Proceeding	91181360
Party	Defendant Weld, Greg
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Date	01/28/2008
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 77/024,370  
Published in the Official Gazette on November 20, 2007

<b>AMERICAN RACING EQUIPMENT, INC.</b>	)	
	)	
<b>Opposer,</b>	)	
	)	
v.	)	<b>Opposition No. 91181360</b>
	)	
<b>GREG WELD</b>	)	
	)	
<b>Applicant.</b>	)	

**ANSWER TO NOTICE OF OPPOSITION**

Applicant, Greg Weld (“Applicant”), by its undersigned attorneys, answers the opposition filed by American Racing Equipment, Inc (“Opposer”) to Applicant’s trademark application Serial No. 77/024,370, as follows, with each numbered paragraph corresponding to each numbered paragraph in the “Notice of Opposition.”

1. Greg Weld admits that Weld Racing and Weld Wheel Industries, Inc., were designers, manufacturers and suppliers of automotive wheels and related parts and accessories and services. Greg Weld is without knowledge or information sufficient to form a belief as to the truth or the averments contained in the remaining information in paragraph 1 and therefore denies the same.

2. Greg Weld admits Weld Racing was the owner of some trademarks for WELD RACING and WELDWHEELS. The remaining allegations of this paragraph constitute arguments of counsel, not facts, and therefore no response is required. To the extent a response is required, Greg Weld is without knowledge or information sufficient to form a belief as to the truth or averments contained in paragraph 2 of the Notice of Opposition and therefore denies the same.

3. Greg Weld admits Weld Racing was the owner of numerous federal trademark registration, but is without sufficient knowledge regarding the remainder of paragraph 3 for each specific mark and therefore denies the remainder of paragraph 3.

4. Greg Weld admits that certain assets of certain Weld Companies were sold to American Racing Equipment pursuant to various written agreements. The remaining allegations of this paragraph constitute arguments of counsel, not facts, and therefore no response is required. To the extent a response is required, Greg Weld is without knowledge or information

sufficient to form a belief as to the truth or averments contained in paragraph 4 of the Notice of Opposition and therefore denies the same.

5. Greg Weld is without knowledge or information sufficient to form a belief as to the truth or averments contained in paragraph 5 of the Notice of Opposition and therefore denies the same.

6. Greg Weld is without knowledge or information sufficient to form a belief as to the truth or averments contained in paragraph 6 of the Notice of Opposition and therefore denies the same.

7. Greg Weld admits filing the trademark application. Further answering, Greg Weld states that the Examiner at the United States Patent and Trademark Office issued a communication for the trademark TEAM WELD stating that no conflicting marks under Trademark Act Section 2(d) for the likelihood of confusion, were found based on a search of registered and pending marks at the United States Patent and Trademark Office. The remaining allegations of this paragraph constitute arguments of counsel, not facts, and therefore no response is required. To the extent a response is required, Greg Weld is without knowledge or information sufficient to form a belief as to the truth or averments contained in paragraph 7 of the Notice of Opposition and therefore denies the same.

8. Greg Weld admits the trademark application for TEAM WELD includes a single similar term WELD. The remaining allegations of this paragraph constitute arguments of counsel, not facts, and therefore no response is required. To the extent a response is required, Greg Weld is without knowledge or information sufficient to form a belief as to the truth or averments contained in paragraph 8 of the Notice of Opposition and therefore denies the same.

9. Greg Weld admits there may be some similarities between some products associated with the TEAM WELD trademark and those trademarks owned by American Racing Equipment. To the remaining allegations in paragraph 9, Greg Weld is without knowledge or information sufficient to form a belief as to the truth or averments contained in paragraph 9 of the Notice of Opposition and therefore denies the same.

10. Denied

WHEREFORE, Applicant Denies that Opposer is entitled to the relief prayed for in the wherefore clause and respectfully requests that the Board rule in its favor, dismiss the Notice of Opposition, and allow Applicant's application no. 77/024,370 to proceed to registration.

#### **GENERAL DENIAL**

Applicant denies each and every allegation in the Notice of Opposition not specifically admitted here.

#### **AFFIRMATIVE DEFENSES**

Applicant alleges the following defenses:

**FIRST AFFIRMATIVE DEFENSE**

As a first defense, Applicant asserts the Opposer's Notice of Opposition fails to state a claim for relief.

**SECOND AFFIRMATIVE DEFENSE**

As a second defense, Applicant has suffered no damage, nor will it suffer damage in the future, by registration of Applicant's TEAM WELD mark.

**THIRD AFFIRMATIVE DEFENSE**

As a third defense, Applicant asserts that its target customers are not likely to confuse Applicant's goods with any goods on which Opposer allegedly uses its mark.

**FOURTH AFFIRMATIVE DEFENSE**

Applicant reserves the right to assert any other defenses or matters in avoidance of Opposer's Notice of Opposition, which may become appropriate as discovery proceeds in this matter.

Dated January 28, 2008

POLSINELLI SHALTON FLANIGAN SUELTHAUS



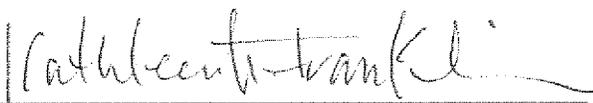
Michael A. Williamson  
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CERTIFICATE OF SERVICE

This is to certify that I have this day served the foregoing Answer to Notice of Opposition upon Opposer, by causing a true and correct copy thereof to be deposited in the United States mail, postage prepaid, addressed to Opposer's counsel of record as follows:

Rochelle D. Alpert  
Morgan, Lewis & Bockius LLP  
One MarketSpear Tower  
San Francisco, CA 94105

This 28th day of January, 2008.

  
Kathleen M. Franklin