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

Proceeding	91183847
Party	Defendant William Christopher Lotterhos and Richard Linder
Correspondence Address	EMILY H. PLOTKIN BAKER DONELSON ET AL. 211 COMMERCE ST STE 1000 NASHVILLE, TN 37201-1819 UNITED STATES
Submission	Answer
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Signature	/Jillian M. Suwanski/
Date	06/10/2008
Attachments	SHOCKS Answer to Notice of Opposition.pdf (4 pages)(125029 bytes)

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

WOLVERINE WORLD WIDE, INC.	)	
Opposer,	)	
	)	**Oppostion No.: 91183847**
v.	)	**Mark: SHOCKS**
	)	**Serial No.: 77/232,931**
WILLIAM CHRISTOPHER LOTTERHOS AND RICHARD N. LINDER	)	
Applicants.	)	

ANSWER TO NOTICE OF OPPOSITION

William Christopher Lotterhos and Richard N. Linder ("Applicants") hereby answer this Notice of Opposition ("Opposition") filed by Wolverine World Wide, Inc. ("Opposer"), which opposes Applicants' application, Serial No. 77/232,931, for the mark SHOCKS and states as follows:

1. Applicants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 1, and therefore deny them.

2. Admitted solely to the extent that these allegations are consistent with information contained in the Trademark Applications and Registrations Retrieval ("TARR") database.

3. Applicants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 3, and therefore deny them.

4. Applicants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 4, and therefore deny them.

5. Admitted.

6. Admitted solely to the extent that these allegations are consistent with information contained in the TARR database.

7. Applicants admit that the entirety of the SHOCKS mark is contained within Opposer's DURASHOCKS mark. Applicants are without knowledge or information sufficient to form a belief as to the truth or falsity of the allegation that Applicants' mark and the last syllable of all of Opposer's Trademarks (as defined in the Opposition) are pronounced identically, and therefore deny the allegation. Applicants deny all other express or implied allegations in paragraph 7.

8. Applicants admit that the description of goods and services in the Application is "clothing, namely, indoor and outdoor overshoes." Applicants further admit that the description of goods and services in Opposer's Registration No. 3,220,531 is "footwear," that the description of goods and services in Opposer's Registration No. 1,797,909 is "footwear; namely, boots and shoes," and that the description of goods and services in Opposer's Registration No. 1,713,847 is "footwear; namely, boots and shoes." To the extent that the allegations set forth in Paragraph 8 vary therefrom, the allegations are denied.

9. Denied.

10. Any allegations in this Opposition not expressly admitted or denied above are hereby denied.

ADDITIONAL DEFENSES

11. Opposer's Opposition fails to state a claim upon which relief can be granted.

12. There is no likelihood of confusion between Applicants' SHOCKS mark and goods set forth in Applicants' Application and Opposer's DURASHOCKS, DURASHOCKS (and design), and

MULTISHOX marks and goods set forth in Opposer's Registration No. 1,713,847, Registration No. 1,797,909, and Registration No. 3,220,531.

13. Applicants reserve all affirmative defenses under Rule 8(c) of the Federal Rules of Civil Procedure and any other defenses at law or in equity, that may now exist or in the future be available based upon discovery and further factual investigation in this case, and hereby reserves the right to amend this Answer to allege said affirmative defense at such time as they become known.

WHEREFORE, Applicants respectfully request that this Opposition be denied.

Date: June 10, 2008.

Respectfully submitted,

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Attorneys for Registrant

CERTIFICATE OF SERVICE

I hereby certify that I served the foregoing Answer to Notice of Opposition on:

Jeffrey A. Nelson
Warner Norcross & Judd LLP
900 Fifth Third Center
111 Lyon Street N.W.
Grand Rapids, MI 49503-2487
(616) 752-2000

By causing a full, true, and correct copy thereof to be sent by the following indicated method or methods, on the date set forth below:

✓ By mailing in a sealed, first-class postage-prepaid envelope, addressed to the last-known office address of the attorney, and deposited with the United States Postal Service at Nashville, Tennessee.

___ By hand delivery.

___ By sending via overnight courier in a sealed envelope.

___ By faxing to the attorney at the fax number that is the last-known fax number.

___ By electronic mail to the last known e-mail address.

DATED: June 10, 2008.

Jillian M. Suwanski