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

_____)	
Converse Inc.,)	
)	
Opposer)	
)	
v.)	Opposition No.: 91184803
)	Appln. Serial No.: 79038026
Unit Enterprises Pty Ltd,)	N&V Ref.: 181-289
)	
Applicant)	
_____)	

ANSWER TO NOTICE OF OPPOSITION

Applicant Unit Enterprises Pty Ltd replies to Opposer Converse Inc.'s Notice of Opposition as follows.

1. Applicant has insufficient information to admit or deny this allegation and, therefore, denies same and leaves Opposer to its proof.
2. Admitted.
3. Admitted with the exception of the denial of Opposer's mischaracterization of applicant's mark as a "five-pointed star in circle design." Applicant's mark is a dissected circle/bar/star/circle design – against which the USPTO never cited any third party application or registration during examination.
4. Applicant has insufficient information to admit or deny this allegation and, therefore, denies same and leaves Opposer to its proof.



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5. Applicant has insufficient information to admit or deny this allegation and, therefore, denies same and leaves Opposer to its proof.
6. Applicant has insufficient information to admit or deny this allegation and, therefore, denies same and leaves Opposer to its proof.
7. Applicant has insufficient information to admit or deny this allegation and, therefore, denies same and leaves Opposer to its proof.
8. Applicant has insufficient information to admit or deny this allegation and, therefore, denies same and leaves Opposer to its proof.
9. Applicant has insufficient information to admit or deny this allegation and, therefore, denies same and leaves Opposer to its proof.
10. Applicant repeats its above-stated responses to paragraphs 1-9 in the Notice of Opposition.
11. Applicant has insufficient information to admit or deny this allegation and, therefore, denies same and leaves Opposer to its proof.
12. Denied.
13. Denied.
14. Denied.
15. Denied.
16. Applicant repeats its above-stated responses to paragraphs 1-15 in the Notice of Opposition.
17. Applicant has insufficient information to admit or deny this allegation and, therefore, denies same and leaves Opposer to its proof.

18. Applicant has insufficient information to admit or deny this allegation and, therefore, denies same and leaves Opposer to its proof.

19. Denied.

20. Denied.

AFFIRMATIVE DEFENSES

1. Opposer's Notice of Opposition fails to state a legitimate claim upon which relief can be granted.
2. Opposer's Notice of Opposition is merely intended to improperly force Applicant to resolve this matter on terms that are contrary to Applicant's rights.
3. Opposer's trademark registrations alleged in the Notice of Opposition may not be valid because of the lack of trademark usage on all of the goods stated in the registrations and stated in the documents filed during prosecution, maintenance and renewal of those registrations.
4. Opposer's alleged trademark rights are limited in scope because Opposer has not policed other circle and/or star trademarks used and/or registered by various third parties.
5. Applicant's customers and potential customers are not likely to be confused when seeing applicant's trademark and any proper trademark owned by Opposer because of the restricted scope of Opposer's trademark rights, Opposer's lack of policing against other trademarks owned by various third parties, the differences in appearance, connotation and commercial impression of Applicant's trademark compared with Opposer's trademark, the differences in the parties' goods,

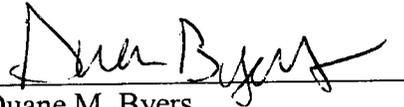
channels of trade and consumers, and the sophisticated nature of the consumers that purchase or will purchase Applicant's products.

6. The opposition is barred by laches, estoppel and/or acquiescence based, at least in part, on prior actions and re-actions by the parties.

WHEREFORE, Applicant prays that the opposition be dismissed and that the application be passed to registration.

Date: March 2, 2009

Respectfully submitted,



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Attorneys for Applicant Unit Enterprises Pty
Ltd

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing "Answer to Notice of Opposition" was served on counsel for Opposer via first-class mail on March 2, 2009, at the following address:

B. Anna McCoy
Alleman Hall McCoy Russell & Tuttle LLP
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Portland, OR 97205

Dee Byers