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

Proceeding	91186880
Party	Defendant WTM Establishment
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Submission	Answer
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Date	11/18/2008
Attachments	Applicant's Answer to Notice of Opposition Blizzard Entertainment.pdf (7 pages) (234252 bytes)

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

In the Matter of Trademark Application Serial Number 77/324,208
Filed on November 7, 2007
For the Mark BLIZZARD
Published on April 15, 2008

BLIZZARD ENTERTAINMENT, INC.,)	
)	
Opposer)	
)	
vs.)	
)	
WTM ESTABLISHMENT,)	
)	
Applicant.)	OPPOSITION No. 91186880
)	

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

ANSWER

Applicant WTM ESTABLISHMENT ("WTM"), a Liechtenstein corporation, whose principal place of business is 1 Mitteldorf, Vaduz, Liechtenstein SL-29490, by and through its undersigned counsel, hereby answers the Notice of Opposition ("Opposition") brought by Blizzard Entertainment, Inc., ("Opposer") as follows:

1. Answering Paragraph 1 of the Opposition, WTM lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations therein, and on that basis denies said allegations.

2. Answering Paragraph 2 of the Opposition, WTM lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations therein, and on that basis denies said allegations.

3. Answering Paragraph 3 of the Opposition, WTM admits that the online records of the United States Trademark and Patent Office (“USPTO”) and attachments to the electronically filed Notice of Opposition include twelve registrations alleged therein, but lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained therein, and on that basis denies such allegations.

4. Answering Paragraph 4 of the Opposition, WTM lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations therein, and on that basis denies said allegations.

5. Answering Paragraph 5 of the Opposition, WTM lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations therein, and on that basis denies said allegations.

6. Answering Paragraph 6 of the Opposition, WTM admits that it filed the subject Application stating its intent to use the mark BLIZZARD in connection with certain goods in Class 33.

7. Answering Paragraph 7 of the Opposition, WTM realleges its responses in paragraphs 1 through 6 herein.

8. Answering Paragraph 8 of the Opposition, WTM admits that the online records of the USPTO for eleven of the fifteen registrations alleged in paragraph 3 of the Opposition reflect registration dates that precede the date of WTM’s application but lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations therein, and on that basis denies said allegations.

9. Answering Paragraph 9 of the Opposition, WTM denies the allegations contained therein.

10. Answering Paragraph 10 of the Opposition, WTM denies the allegations contained therein.

11. Answering Paragraph 11 of the Opposition, WTM denies the allegations contained therein.

12. Answering Paragraph 12 of the Opposition, WTM denies the allegations contained therein.

13. Answering Paragraph 13 of the Opposition, WTM denies the allegations contained therein.

14. Answering Paragraph 14 of the Opposition, WTM realleges its responses in paragraphs 1 through 13 herein.

15. Answering Paragraph 15 of the Opposition, WTM denies the allegations contained therein.

16. Answering Paragraph 16 of the Opposition, WTM denies the allegations contained therein.

17. Answering Paragraph 17 of the Opposition, WTM denies the allegations contained therein.

18. Answering Paragraph 18 of the Opposition, WTM denies the allegations contained therein.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

1. The Opposition, and each allegation thereof, fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

2. The Opposition is barred because there is no likelihood of confusion between WTM's and Opposer's marks because their respective goods are not related.

THIRD AFFIRMATIVE DEFENSE

3. The Opposition is barred on the grounds that there is no likelihood of confusion between WTM's and Opposer's marks because WTM's goods and Opposer's goods travel in different channels of trade.

FOURTH AFFIRMATIVE DEFENSE

4. The Opposition is barred on the grounds that there is no likelihood of confusion between WTM's and Opposer's marks because WTM's goods are not within Opposer's logical zone of expansion.

FIFTH AFFIRMATIVE DEFENSE

5. The Opposition is barred on the grounds that there is no likelihood of Confusion between WTM's and Opposer's marks because Opposer's marks are not famous.

SIXTH AFFIRMATIVE DEFENSE

6. The Opposition is barred on the grounds that there is no likelihood of confusion between WTM's and Opposer's marks because Opposer's marks and WTM's marks are marketed to different classes of consumers.

SEVENTH AFFIRMATIVE DEFENSE

7. The Opposition is barred on the grounds that there is no dilution of Opposer's marks because Opposer's marks are not famous.

EIGHTH AFFIRMATIVE DEFENSE

8. The Opposition is barred on the grounds that there is no dilution of Opposer's marks because registration of the subject mark will not cause blurring or tarnishment of the Opposer's marks.

NINTH AFFIRMATIVE DEFENSE

9. The Opposition is barred on the grounds that there is no dilution of Opposer's marks because the Opposer does not engage in substantially exclusive use of the Opposer's marks.

TENTH AFFIRMATIVE DEFENSE

10. The Opposition is barred on the grounds that there is no dilution of Opposer's marks because the Opposer's marks do not enjoy a high degree of recognition.

ELEVENTH AFFIRMATIVE DEFENSE

11. The Opposition is barred on the grounds that there is no dilution of Opposer's marks because there is no association, intended or actual, between the subject mark and the Opposer's marks.

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Accordingly, WTM requests that the Opposition be dismissed with prejudice.

Please address all correspondence to Elena Muravina and Nathan Canby, 9601 Wilshire Blvd., Suite 710, Beverly Hills CA 90210.

WTM ESTABLISHMENT

Dated: November 18, 2008

A handwritten signature in cursive script, appearing to read "Elena Muravina", is written over a horizontal line.

Elena Muravina
Nathan Canby
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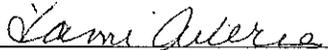
CERTIFICATE OF SERVICE

I, Tami Avena, hereby certify that a copy of the foregoing **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION** was served upon Blizzard Entertainment, Inc.'s counsel at the following address:

Christopher S. Tuttle
Alleman Hall McCoy Russell & Tuttle LLP
6060 Center Drive, 5th Floor
Portland, Oregon 97205

by first class mail, postage prepaid, this 18th day of November 2008.

Dated: November 18, 2008



Tami Avena