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

Proceeding	91197014
Party	Defendant RITS, LLC
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of trademark App. Ser. No.: 85/019,492
Opposition No.: 91197014
For the mark: RAFTING IN THE SMOKIES
Date filed: April 21, 2010

Big Creek Expeditions, Inc.,
Nantahala Outdoor Center, Inc.,
Outdoor Adventures, Inc.,
Smoky Mountain Outdoors Unlimited, Inc., and
Rapid Expeditions, LLC,
Opposers,
v.
RITS, LLC,
Applicant.

**APPLICANT’S REPLY TO OPPOSERS’ RESPONSE TO
APPLICANT’S MOTION TO STAY OR DISMISS PROCEEDINGS
AND BRIEF IN SUPPORT OF MOTION TO STAY OR DISMISS PROCEEDINGS**

NOW COMES, Applicant, RITS, LLC (“Applicant), through its undersigned counsel, and states the following for its Reply to Opposers’ Response to Applicant’s Motion to Stay or Dismiss Proceedings and Brief in Support of its Motion to Stay or Dismiss Proceedings:

As for the first issue raised by Opposers with respect to Applicant’s use of the term “required” in its Motion to Stay, Applicant respectfully asserts that its brief filed in conjunction with and in support of Applicant’s Motion to Stay speaks for itself.

The second issue raised by Opposers, *i.e.*, that “it is highly unlikely that any judgment rendered in the Lawsuit would serve to simplify the issues in the present Opposition with respect to NOC or Smoky Mountain Outdoors,” is logically and legally incorrect. As Opposers’ counsel surely appreciates, the District Court will be required to determine the validity and priority of the mark(s) at issue with respect to the majority of the Opposers listed in this action. Neither NOC nor Smoky Mountain Outdoors has even raised the defense of prior use in this proceeding; therefore, there is no issue unique to NOC or Smoky Mountain Outdoors that would go unaddressed by the District Court. Said in another way, all relevant issues that have been raised in this case will be necessarily addressed by the District Court, thereby necessarily simplifying the issues in the present Opposition.

Finally, Applicant respectfully asserts that it has provided ample legal and factual support for its Motion to Stay in its accompanying brief as filed with this Honorable Board on December 27, 2010, and Applicant respectfully requests that this Board to stay or dismiss this Opposition pursuant to 37 C.F.R. § 2.117(a) until the U.S. District Court for the Eastern District of Tennessee, Northern Division, makes a final determination on these various issues and/or the parties come to a joint settlement agreement.

Respectfully submitted,

LUEDEKA, NEELY & GRAHAM, P.C.

Dated: January 26, 2011

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CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing is being served on counsel of record, by first class mail, postage prepaid, addressed as follows:

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Date: January 26, 2011

s/Michael E. Robinson

Michael E. Robinson