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

Proceeding	91197667
Party	Defendant United States Polo Association, Inc.
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Date	11/07/2011
Attachments	Answer to Opposition No 91197667.pdf (6 pages)(185278 bytes)

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

PRL USA HOLDINGS, INC.)	
)	
Opposer,)	
)	
against)	Opposition No. 91197667
)	
)	
UNITED STATES POLO)	
ASSOCIATION, INC.,)	
)	
Applicant.)	

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Applicant United States Polo Association (“Applicant”) by and through its attorneys, Baker & Hostetler LLP, answers the Notice of Opposition of Opposer PRL USA Holdings, Inc. (“Opposer”) as follows:

1. Admits the allegations contained in Paragraph 1 of the Notice of Opposition.
2. Admits the allegations contained in Paragraph 2 of the Notice of Opposition.
3. Admits the allegations contained in Paragraph 3 of the Notice of Opposition.
4. Denies the allegations contained in Paragraph 4 of the Notice of Opposition.
5. Lacks sufficient knowledge or information to respond to the allegations contained in Paragraph 5 of the Notice of Opposition and, therefore, denies the same.
6. Lacks sufficient knowledge or information to respond to the allegations contained in Paragraph 6 of the Notice of Opposition and, therefore, denies the same.
7. Lacks sufficient knowledge or information to respond to the allegations contained in Paragraph 7 of the Notice of Opposition and, therefore, denies the same.

8. Lacks sufficient knowledge or information to respond to the allegations contained in Paragraph 8 of the Notice of Opposition and, therefore, denies the same.

9. Lacks sufficient knowledge or information to respond to the allegations contained in Paragraph 9 of the Notice of Opposition and, therefore, denies the same.

10. Lacks sufficient knowledge or information to respond to the allegations contained in Paragraph 10 of the Notice of Opposition and, therefore, denies the same.

11. Denies the allegations contained in the last sentence of Paragraph 11 of the Notice of Opposition, and lacks sufficient knowledge or information to respond to the remaining allegations in Paragraph 11 and, therefore, denies same.

12. Lacks sufficient knowledge or information to respond to the allegations contained in Paragraph 12 of the Notice of Opposition and, therefore, denies the same.

13. Lacks sufficient knowledge or information to respond to the allegations contained in Paragraph 13 of the Notice of Opposition and, therefore, denies the same.

14. Lacks sufficient knowledge or information to respond to the allegations contained in Paragraph 14 of the Notice of Opposition and, therefore, denies the same.

15. Denies the allegation in the first sentence of Paragraph 15 in the Notice of Opposition that Opposer has built its brands on integrity, and lacks sufficient knowledge or information to respond to the remaining allegations contained in Paragraph 15 of the Notice of Opposition and, therefore, denies same.

16. Lacks sufficient knowledge or information to respond to the allegations contained in Paragraph 16 of the Notice of Opposition and, therefore, denies same.

17. Lacks sufficient knowledge or information to respond to the allegations contained in Paragraph 17 of the Notice of Opposition and, therefore, denies same.

18. Lacks sufficient knowledge or information to respond to the allegations contained in Paragraph 18 of the Notice of Opposition and, therefore, denies same.

19. Lacks sufficient knowledge or information to respond to the allegations contained in Paragraph 19 of the Notice of Opposition and, therefore, denies same.

20. Denies the allegations contained in Paragraph 20 of the Notice of Opposition.

21. Repeats and realleges its responses to the allegations contained in Paragraphs 1 through 20 of the Notice of Opposition with the same force and effect as if set forth herein.

22. Denies the allegations contained in Paragraph 22 of the Notice of Opposition.

23. Lacks sufficient knowledge or information to respond to the allegations contained in Paragraph 23 of the Notice of Opposition and, therefore, denies same.

24. Denies the allegations contained in Paragraph 24 of the Notice of Opposition.

25. Denies the allegations contained in Paragraph 25 of the Notice of Opposition.

26. Lacks sufficient knowledge or information to respond to the allegations contained in Paragraph 26 of the Notice of Opposition and, therefore, denies same.

27. Lacks sufficient knowledge or information to respond to the allegations contained in Paragraph 27 of the Notice of Opposition and, therefore, denies same.

28. Denies the allegations contained in Paragraph 28 of the Notice of Opposition.

29. Repeats and realleges its responses to the allegations contained in Paragraphs 1 through 28 of the Notice of Opposition with the same force and effect as if set forth herein.

30. Denies the allegations contained in Paragraph 30 of the Notice of Opposition.

31. Denies the allegations contained in Paragraph 31 of the Notice of Opposition.

32. Denies the allegations contained in Paragraph 32 of the Notice of Opposition.
33. Denies the allegations contained in Paragraph 33 of the Notice of Opposition.

FIRST AFFIRMATIVE DEFENSE

The Notice of Opposition fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Opposer's claims are barred because Applicant has the right to use the mark that is the subject of this opposition proceeding under a 2003 Co-Existence Agreement with Opposer.

THIRD AFFIRMATIVE DEFENSE

Opposer's claims are barred because Opposer initiated this Opposition without first initiating the mandatory negotiation proceedings as provided for in the 2003 Co-Existence Agreement between Applicant and Opposer.

FOURTH AFFIRMATIVE DEFENSE

Opposer's claims are barred because the dispute alleged herein is subject to binding arbitration, as provided for in the September 2003 Co-Existence Agreement between Applicant and Opposer.

FIFTH AFFIRMATIVE DEFENSE

Applicant's mark is not confusingly similar to those marks upon which Opposer bases its assertion of likelihood of confusion.

SIXTH AFFIRMATIVE DEFENSE

Insofar as the rights claimed by Opposer herein relate to design marks containing multiple mounted polo players, Applicant has priority of use.

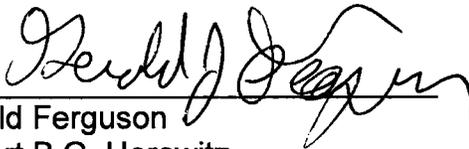
SEVENTH AFFIRMATIVE DEFENSE

Due to third-party use of design marks containing polo players in the field of clothing, Opposer's "Polo Player Mark" is diluted.

Applicant reserves its right to assert any and all affirmative defenses of which Applicant becomes aware during the pendency of this proceeding.

Dated: November 7, 2011

BAKER & HOSTETLER LLP

By: 
Gerald Ferguson
Robert B.G. Horowitz
Kimberly M. Maynard
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing motion was served on November 7, 2011 by first class mail, postage prepaid, in an envelope addressed to Opposer's counsel as follows:

G. Roxanne Elings, Esq.
Greenberg Taurig LLP
200 Park Avenue
New York, New York 10166


Kimberly M. Maynard