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

Proceeding	91197669
Party	Defendant Dushey, Marc
Correspondence Address	WILLIAM H. COX GORDON, HERLANDS, RANDOLPH & COX LLP 355 LEXINGTON AVE FL 10 NEW YORK, NY 10017-6603 wcox@gordonherlands.com
Submission	Answer
Filer's Name	Peter J. Vranum
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Date	01/07/2011
Attachments	tyr.answer.633.pdf (4 pages)(585810 bytes)

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

TYR SPORT, INC.,	)	
	)	Opposition No. 91197669
Opposer,	)	
	)	Appl. Serial No. 77955633
v.	)	
	)	
MARC DUSHEY,	)	
	)	
Applicant.	)	

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

Applicant Marc Dushey ("Applicant") responds to the Notice of Opposition filed by TYR Sport, Inc. ("Opposer") as follows:

Applicant admits that it is the owner of Application Serial No. 77955633 for the mark TYR and that he is an individual doing business at 2220 Avenue J., Brooklyn, New York 11210. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining statements in Opposer's introductory paragraph and on that basis denies these remaining statements.

1. Applicant admits the truth of the allegations in paragraph 1 of Opposer's Notice of Opposition.

2. Applicant denies the allegations in paragraph 2 of Opposer's Notice of Opposition.

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3, including all subparts, of Opposer's Notice of Opposition, and on that basis, denies those allegations.

4. Applicant denies the truth of the allegations in paragraph 4 of Opposer's Notice of Opposition.

5. Applicant denies the truth of the allegations in paragraph 5 of Opposer's Notice of Opposition.

6. Applicant denies the truth of the allegations in paragraph 6 of Opposer's Notice of Opposition.

7. Applicant denies the truth of the allegations in paragraph 7 of Opposer's Notice of Opposition.

8. Applicant denies the truth of the allegations in paragraph 8 of Opposer's Notice of Opposition.

9. Applicant denies the truth of the allegations in paragraph 9 of Opposer's Notice of Opposition.

10. Applicant denies the truth of the allegations in paragraph 10 of Opposer's Notice of Opposition.

AFFIRMATIVE DEFENSES

As affirmative defenses to the Notice of Opposition, Applicant alleges as follows:

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

2. Opposer's claims in Opposer's Notice of Opposition are barred under the doctrine of estoppel.

3. Opposer's claims in Opposer's Notice of Opposition are barred by waiver.

4. There is no likelihood of confusion between Applicant's mark and Opposer's mark.

Dated: New York, New York
January 7, 2011

Respectfully submitted,

GORDON, HERLANDS, RANDOLPH
& COX LLP

By _____

Peter J. Vranum, Esq.
355 Lexington Avenue
New York, New York 10017
(212) 986-1200

Attorneys for Applicant
MARC DUSHEY

CERTIFICATE OF SERVICE

I hereby certify that I caused a true copy of the foregoing Applicant's Answer to Notice of Opposition to be served by First Class mail, postage prepaid, on January 7, 2011, on:

Donna Rubelmann, Esq.
Rubelmann & Associates, P.C.
501 Herondo Street, Suite 45
Hermosa Beach, CA 90254

Peter J. Vranum

Peter J. Vranum