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

Proceeding	91198636
Party	Defendant ASICS Corporation
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Submission	Answer
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Date	03/28/2011
Attachments	CONQUEST Answer.pdf (4 pages)(20681 bytes)

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

DEVIN ALARIO

Opposer,

-vs-

ASICS CORPORATION

Applicant.

Opposition No. 91198636

Serial No. 85/041,441

Mark: CONQUEST

**APPLICANT'S ANSWER TO
NOTICE OF OPPOSITION**

TO THE HONORABLE COMMISSIONER OF PATENTS AND TRADEMARKS:

ASICS Corporation (“Applicant”), a corporation organized and existing under the laws of Japan, with its principal place of business at 1-1, Minatojima-Nakamachi 7-Chome, Chuo-ku, Kobe 650-8555 Japan, by way of Answer to the Notice of Opposition filed herein, responds as follows:

Except as hereinafter expressly admitted, qualified or otherwise answered, ASICS Corporation denies each and every allegation, matter, statement and thing asserted in the Notice of Opposition (the “Opposition”).

Answering the introductory paragraph, Applicant denies that Opposer will be damaged by the Applicant’s application.

1. Answering Paragraph 1, Applicant admits the allegations contained therein.
2. Answering Paragraph 2, Applicant admits that it claims a date of first use of the mark that is the subject of this opposition of at least as early as December 31, 2009.

3. Answering Paragraph 3, Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and therefore denies same.

4. Answering Paragraph 4, Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and therefore denies same. However, Applicant states that Registration No. 3,824,809 speaks for itself.

5. Answering Paragraph 5, Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and therefore denies same.

6. Answering Paragraph 6, Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and therefore denies same.

7. Answering Paragraph 7, Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained therein, and therefore denies same.

8. Answering Paragraph 8, Applicant denies the allegations contained therein.

9. Answering Paragraph 9, Applicant denies the allegations contained therein.

10. Answering Paragraph 10, Applicant denies the allegations contained therein.

11. Answering Paragraph 11, Applicant denies the allegations contained therein.

12. Answering Paragraph 12, Applicant denies the allegations contained therein.

13. Answering Paragraph 13, Applicant denies the allegations contained therein.

14. Answering Paragraph 14, Applicant denies the allegations contained therein.

15. Answering Paragraph 15, Applicant denies the allegations contained therein.

Affirmative Defenses

1. The Opposition fails to state a claim against ASICS Corporation upon which relief can be granted.
2. The Opposition is barred by the equitable doctrines of estoppel, waiver, and/or laches.
3. Opposer lacks standing to bring this Notice of Opposition as it is not likely to be damaged by the continuing registration of the CONQUEST mark.

WHEREFORE, Applicant respectfully submits that the Notice of Opposition be dismissed, with prejudice, and that its Application Serial No. 85/041,441, for the mark CONQUEST, be approved for registration.

Respectfully Submitted,

By: /Mark C. Schollaert/

Mark C. Schollaert
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Attorney for Applicant

Dated: March 28, 2011

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Answer to Notice of Opposition is being served upon counsel for the Opposer, James P. Delaney, 444 South Cedros Avenue, Suite 175, Solana Beach, CA 92075, by First Class mail, postage prepaid, on the 28th day of March 2011.

/Mark C. Schollaert/

Mark C. Schollaert

CERTIFICATE OF SERVICE

The undersigned hereby certifies that this correspondence is being transmitted by electronic mail via ESTTA to the United States Patent and Trademark Office on the 28th day of March 2011.

/MarkC.Schollaert/

Mark C. Schollaert