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

Proceeding	91201504
Party	Defendant VIKING RIVER CRUISES (BERMUDA) LTD.
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Attachments	VIKING RIVER CRUISES AND DESIGN.pdf (6 pages)(147932 bytes)

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

In the Matter of Application Serial No. 85/136,505
Trademark: **VIKING RIVER CRUISES and Design**

Viking Range Corporation, Opposer, v. Viking River Cruises (Bermuda) Ltd., Applicant.	Opposition No. 91201504

ANSWER TO NOTICE OF OPPOSITION

Applicant Viking River Cruises (Bermuda) Ltd. ("Applicant"), owner of United States Trademark Application Serial Number 85/136,505, hereby answers the Notice of Opposition ("Opposition") filed by Opposer Viking Range Corporation ("Opposer"). Applicant lacks sufficient information on which to form a belief as to the truth of Opposer's allegations in the unnumbered introductory paragraph of the Opposition and on that basis denies the allegations. With respect to the individually numbered paragraphs of the Opposition, Applicant answers as follows:

1. Applicant lacks sufficient information on which to form a belief as to the truth of the allegations in Paragraph 1 and on that basis denies each and every one of them.

2. Applicant lacks sufficient information on which to form a belief as to the truth of the allegations in Paragraph 2 and on that basis denies each and every one of them.

3. Applicant lacks sufficient information on which to form a belief as to the truth of the allegations in Paragraph 3 and on that basis denies each and every one of them.

4. Applicant expressly denies that "the consuming public and trade have come to recognize and do recognize the VIKING Marks as being used by Opposer or by a single source, and to associate and identify said marks with Opposer or with a single source, and Opposer

derives substantial goodwill and value from the aforesaid identification by the consuming public and trade." Except as expressly denied, Applicant lacks sufficient information on which to form a belief as to the truth of the remaining allegations in Paragraph 4 and on that basis denies each and every one of them.

5. Applicant admits that Opposer is listed as the "last owner of record" for Registration Nos. 1,437,211; 1,565,774; 1,598,452; 1,798,615; 1,885,831; 1,805,114; 2,196,291; 2,196,439; 2,724,541; 2,493,555; 3,655,276; 3,163,333; 3,326,880; and 3,836,066 on the TARR system at the United States Patent and Trademark Office ("USPTO"). Applicant lacks sufficient information on which to form a belief as to the truth of the remaining allegations in Paragraph 5 and on that basis denies each and every one of them.

6. Applicant admits that it is a company organized under the laws of Bermuda with an address at Clarendon House, 2 Church Street, Hamilton, Bermuda HM 11, and that it filed intent-to-use Application Serial No. 85/136,505 (the "Application") on September 23, 2010 to register the mark VIKING RIVER CRUISES and Design in Class 41. Applicant further admits that, as of January 17, 2012, the TARR system at the USPTO lists the description of services in the Application as follows: "Arranging, organizing and hosting social entertainment events; entertainment and education services in the nature of live dance and musical performances; entertainment information; entertainment services, namely, organizing and conducting parties, wine and food tastings, contests, live stage performances, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, nightclub shows, namely, plays, concerts, piano recitals, vocal recitals, comedy shows, monologue performances, poetry and narrative readings, variety and comedy shows, and theatrical and musical floor shows provided at performance venues; entertainment services, namely, casino gaming; educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; provision of in-cabin interactive television programming; health club services, namely, providing instruction, classes, and equipment in the

field of physical exercise; organizing and hosting cultural and arts events; organization of exhibitions for cultural or educational purposes."

7. Applicant admits that it has filed six other U.S. applications for VIKING LEGEND (Application Serial No. 85/136,726), VIKING RIVER CRUISES EXPLORING THE WORLD IN COMFORT and Design (Application Serial No. 85/136,757), VIKING LONGSHIPS (Application Serial No. 85/276,774), VIKING TOURS (Application Serial No. 85/136,552), VIKING RIVER CRUISES (Application Serial No. 85/133,778), and VIKING (Application Serial No. 85/133,747) for a variety of services in Class 41, including "cooking classes" and/or "wine and food tastings." Applicant further admits that the USPTO issued Office Actions for Application Serial Nos. 85/136,552, 85/133,778, 85/136,505, and 85/133,747 with respect to the educational cooking services, citing a provisional likelihood of confusion with Opposer's Registration No. 3,326,880 for VIKING, which covers "educational and entertainment services, namely, conducting a cooking school and providing cooking classes and demonstrations." Applicant admits that it deleted "cooking classes" from the aforementioned applications that received Office Actions. Except as expressly admitted, Applicant denies the allegations of Paragraph 7.

8. Paragraph 8 requires no response. To the extent a response is required, Applicant denies each and every allegation in Paragraph 8.

9. Applicant admits that it seeks to register the VIKING RIVER CRUISES and Design mark for a variety of services in Class 41, including "wine and food tastings." Except as expressly admitted, Applicant denies the allegations of Paragraph 9.

10. Applicant denies each and every allegation in Paragraph 10.

11. Applicant denies each and every allegation in Paragraph 11.

12. Applicant denies each and every allegation in Paragraph 12.

13. The first sentence of Paragraph 13 requires no response. To the extent a response is required, Applicant denies each and every allegation. Applicant lacks sufficient information

on which to form a belief as to the truth of the remaining allegations in Paragraph 13 and on that basis denies them.

14. Applicant lacks sufficient information on which to form a belief as to the truth of the allegations in Paragraph 14 and on that basis denies each and every one of them.

15. Applicant denies each and every allegation in Paragraph 15.

16. Applicant denies each and every allegation in Paragraph 16.

17. Applicant admits that it is a cruise line company organized under the laws of Bermuda that offers river cruises that tour through Europe, Asia, and Egypt. Except as expressly admitted, Applicant denies the allegations of Paragraph 17.

18. Applicant denies each and every allegation in Paragraph 18.

19. Applicant denies each and every allegation in Paragraph 19.

AFFIRMATIVE DEFENSE

Applicant sets forth its separate and affirmative defense to the Opposition as follows:

20. Opposer's request for relief is barred insofar as Opposer relies on its Class 41 services in Registration Number 3,326,880 for VIKING because Opposer does not have priority over Applicant with respect to VIKING in Class 41. Opposer has filed a counterclaim to cancel the subject registration under Opposition Proceeding No. 91201495.

21. Applicant reserves the right to add additional affirmative defenses after conducting discovery.

WHEREFORE, Applicant requests that Application Serial No. 85/136,505 be approved for registration on the Principal Register and this Opposition be dismissed in favor of Applicant.

Respectfully submitted,

ORRICK, HERRINGTON & SUTCLIFFE LLP

Dated: January 17, 2012

By: _____
Beth M. Goldman
Chelseaa E. L. Bush
Betsy Wang

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Viking River Cruises (Bermuda) Ltd.

CERTIFICATE OF SERVICE

I certify that a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served by First Class Mail, on January 17, 2012, on Opposer and counsel for Opposer at the following addresses:

Viking Range Corporation
111 Front Street
Greenwood, MS 38930

Sarah Anne Keefe
Marcy L. Sperry
WOMBLE CARLYLE SANDRIDGE & RICE, PLLC
271 17th Street, NW
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Dated: January 17, 2012

By: _____
Chelseaa E. L. Bush