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

Proceeding	91201506
Party	Defendant VIKING RIVER CRUISES (BERMUDA) LTD.
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Attachments	VIKING TOURS.pdf ( 6 pages )(144867 bytes )



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. 85/136,552 (the “Application”) on September 23, 2010 to register the mark VIKING TOURS 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, stage shows, nightclub shows, variety and comedy shows, and theatrical productions and musicals; entertainment services, namely, casino gaming; educational services, namely, conducting lectures and seminars in the fields of music, theatre, and film; video arcade services; libraries; 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 RIVER CRUISES (Application Serial No. 85/133,778), VIKING RIVER CRUISES and Design (Application Serial No. 85/136,505), 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 TOURS 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. Paragraph 13 requires no response. To the extent a response is required, Applicant denies each and every allegation in Paragraph 13.

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 lacks sufficient information on which to form a belief as to the truth of the allegations in Paragraph 15 and on that basis denies each and every one of them.

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

17. Applicant denies each and every allegation in Paragraph 17.

18. Paragraph 18 requires no response. To the extent a response is required, Applicant denies each and every allegation in Paragraph 18.

19. 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 19.

20. Applicant denies each and every allegation in Paragraph 20.

21. Applicant denies each and every allegation in Paragraph 21.

### **AFFIRMATIVE DEFENSE**

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

22. 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.

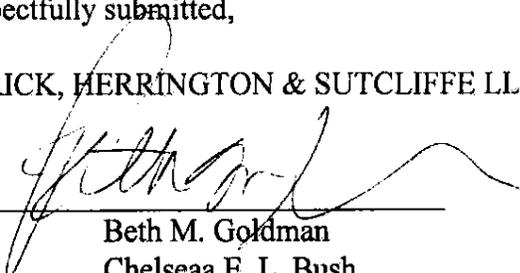
23. Applicant reserves the right to add additional affirmative defenses after conducting discovery.

WHEREFORE, Applicant requests that Application Serial No. 85/136,552 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  
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**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:

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Dated: January 17, 2012

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