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

Proceeding	91204137
Party	Defendant RHINO RUGBY LIMITED
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Submission	Answer
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Date	04/11/2012
Attachments	4-5-12 Answer to Opposition.pdf (5 pages)(244525 bytes)

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

In the matter of Trademark Application Serial No. 79/079,613
For the mark RHINO and Design
Published in the Official Gazette on August 30, 2011

SIEMES INTERNATIONAL CORPORATION,

Opposition No. 91204137

Opposer,

v.

RHINO RUGBY LIMITED,

Applicant.

ANSWER TO NOTICE OF OPPOSITION

Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Rhino Rugby Limited (“Applicant”), for its answer to the Notice of
Opposition, by its counsel Renner Kenner Greive Bobak Taylor & Weber, states as follows:

1. Applicant denies the allegations of Paragraph 1 of the Notice of Opposition as
Applicant is without knowledge or information sufficient to form a belief as to the truth of the
averments.

2. Applicant denies the allegations of Paragraph 2 of the Notice of Opposition as Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments.

3. Applicant admits the allegations in the first three sentences and the last sentence of Paragraph 3 of the Notice of Opposition, but denies the balance of the allegations found in Paragraph 3 of the Notice of Opposition as Applicant has amended the goods for which the mark RHINO and Design will be used in International Class 028.

4. Applicant admits that it filed an application based on its international registration for the mark RHINO and Design under Section 66(a) of the Trademark Act, 15 U.S.C. Section 1141(f), and that the filing date of the international application was August 7, 2009, but denies that this is Applicant's priority date. Applicant denies the rest of the allegations of Paragraph 4 of the Notice of Opposition as Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments.

5. Applicant denies the allegations of Paragraph 5 of the Notice of Opposition.

6. Applicant denies the allegations of Paragraph 6 of the Notice of Opposition.

7. Applicant denies the allegations of Paragraph 7 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

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

9. Upon information and belief, Opposer cannot prove continuous use of the marks RED RHINO, RED RHINO SPORTS and RHINO and Design marks since at least 2001.

10. Upon information and belief, Opposer's Notice of Opposition is barred by its abandonment of the marks RED RHINO, RED RHINO SPORTS and RHINO and Design.

11. Upon information and belief, any use of the marks RED RHINO, RED RHINO SPORTS and RHINO and Design has not inured to the benefit of the Opposer.

12. Applicant's mark is used on products sold abroad and is so famous that its reputation is known in the United States.

13. In the event that Opposer can prove continuous use of the marks RED RHINO, RED RHINO SPORTS, and RHINO and Design since at least 2001, there has been no actual

confusion and Applicant is at least entitled to a registration of the mark RHINO and Design for its amended goods now recited in the subject application, i.e., *rugby sporting articles and equipment, namely, bags specially adapted to hold rugby equipment, rugby balls, pumps for inflating rugby balls, touch rugby belts and tags not a part of a rugby uniform; physical training equipment and apparatus for rugby training, namely, body-training apparatus, head guards for rugby training purposes, athletic protective pads for rugby tackling practice; rugby exercising equipment, namely, weight lifting machines; fitness machines and equipment, namely, weights, treadmills, rowing machines, stair stepping machines, resistance machines, stationary cycles; manual exercise machines for rugby training, namely, rugby scrum training machines; rugby training equipment, namely, tackling dummies for rugby, hand-held contact pads for use in practicing rugby tackling, body pads, rucking nets, training poles, grid markers, knee pads for rugby players, shoulder pads for rugby players, torso pads for rugby players; rugby athletic equipment, namely, training devices to be worn on the body for support; rugby ground equipment, namely, goal posts, post padding, flags and poles; rugby kicking tees and rugby balls; all these goods being rugby products,* in International Class 028.

WHEREFORE, Applicant demands judgment dismissing the Notice of Opposition with prejudice, allowing Application Serial No. 79/079,613 for the mark RHINO and Design and granting registration on the basis that Applicant's mark is not likely to be confused with Opposer's marks.

Respectfully submitted,
RHINO RUGBY LIMITED

/Rodney L. Skoglund/

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CERTIFICATE OF SERVICE

I certify that a true and complete copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served by first-class mail, postage prepaid, on the following counsel of record for Opposer this 11th day of April, 2012.

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Attorney Docket No: GIL.C.US0006