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

Proceeding	91206761
Party	Defendant Incentive Marketing, Inc.
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Submission	Answer
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Date	10/03/2012
Attachments	Answer.pdf ( 2 pages )(69919 bytes )

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

University Athletic Association  
Opposer

vs.

Incentive Marketing, Inc.  
Applicant

Appl. Ser. No.: 85480582

Opposition: 91206761

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**Applicant's Answer to Notice of Opposition**

Applicant, Incentive Marketing, Inc., by its undersigned attorney, hereby answers the Notice of Opposition, as follows:

1. As to paragraphs 1, Applicant's admits the allegations.
2. As to paragraph 2, Applicant admits to the publication, but respecting the filing of an extension Application is without sufficient information to form a belief therein, and thus denies the allegations contained therein.
3. As to paragraphs 3 to 22, inclusive, Applicant is without sufficient information to form a belief therein, and thus denies the allegations contained therein.
4. As to paragraph 23, Applicant denies the allegation respecting damage to Opposer and respecting confusion between the subject trademark and Opposer's trademarks and respecting causing mistake and deception.
5. As to paragraph 24, Applicant admits the allegation.
6. As to paragraph 25, Applicant denies the allegations.
7. As to paragraph 26, Applicant denies the allegations.
8. As to paragraph 27, Applicant is without sufficient information to form a belief therein, and thus denies the allegations contained therein.
9. Applicant further affirmatively alleges that there is no likelihood of confusion, mistake or deception because, inter alia, Applicant's mark and the pleaded mark of Opposer are not confusingly similar.

10. Applicant further alleges that Applicant's mark has been used by Applicant or its predecessor in interest since the year 1963 in close proximity to Opposer's pleaded marks without actual confusion.

11. Applicant further alleges that despite the long coexistence, in close proximity, of Applicant's trademark and Opposer's trademarks, Opposer has no knowledge of actual confusion by the public and no evidence of actual confusion exists.

12. Applicant further alleges that Applicant has established trademark rights in the trademark GATOR SHOP since at least October 1, 1963 associated with retail sales merchandise and that this is evidenced by Florida State trademark registration No. T07000001547.

13. Applicant further alleges that Opposer has had knowledge of Applicant's use of the GATOR SHOP mark and Applicant's trademark rights therein since at least the year 1984 and have acquiesced to Applicant's use and rights.

Wherefore, Applicant requests that the Notice of Opposition be dismissed in its entirety and that a registration issue to Applicant for its mark.

Respectfully,



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Sven W. Hanson                      Date    October 3, 2012  
Attorney for Applicant  
Reg. No. 36,546  
352-375-0082

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**CERTIFICATE OF SERVICE**

I hereby certify that the above Applicant's Answer to Notice of Opposition has been served upon the Opposer by transmitting a copy of the document by first class mail to: Alicia Grahn Jones  
KILPATRICK TOWNSEND & STOCKTON LLP; 1100 Peachtree Street, Suite 2800; Atlanta, GA 30309 on    October 3, 2012.

Sven W. Hanson            date:    October 3, 2012

