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

Proceeding	91207718
Party	Defendant Warrior Athletics LLC
Correspondence Address	ANTHONY P LUISI CUDDY & FEDER LLP 445 HAMILTON AVE FL 14 WHITE PLAINS, NY 10601-1874 UNITED STATES aluisi@cuddyfeder.com
Submission	Answer
Filer's Name	Anthony P. Luisi
Filer's e-mail	aluisi@cuddyfeder.com
Signature	/APL/
Date	03/29/2013
Attachments	Answer to Notice of Opposition (Warrior Athletics).pdf (4 pages)(67899 bytes)

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

In re Application Serial No. 85/474,290
Filed: November 16, 2011
For Mark: WARRIOR ATHLETICS
Published in the Official Gazette: May 1, 2012

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ATHLETICS INVESTMENT GROUP LLC D/B/A
THE OAKLAND ATHLETICS BASEBALL COMPANY,

Opposer,

Opposition No. 91207718

v.

ANSWER

WARRIOR ATHLETICS LLC,

Applicant.
-----X

Commissioner for Trademarks
Attn: Trademark Trial and Appeal Board
P.O. Box 1451
Arlington, Virginia 22313-1451

Applicant, Warrior Athletics LLC (“Applicant”), by its attorneys, Cuddy & Feder LLP, hereby submits its Answer to the Notice of Opposition filed by Athletics Investment Group LLC d/b/a The Oakland Athletics Baseball Company (“Opposer”), with respect to Application Serial No. 85/474,290 for the “WARRIOR ATHLETICS” word mark published on May 1, 2012, as follows, with the following numbered Paragraphs corresponding to the numbers of the Paragraphs in Opposer’s Notice of Opposition:

1. Applicant lacks sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 1, and therefore denies same.
2. Applicant lacks sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 2, and therefore denies same.

3. Applicant admits the records of the U.S. Patent and Trademark Office show Opposer as the owner of certain applications for a word mark ATHLETICS for certain specified goods and/or services for Registration Nos. 1,530,851; 3,349,789; and 3,538,727. To the extent the allegations in Paragraph 3 claim the incontestability of any of Opposer's registrations, such allegations call for a legal conclusion to which no response is required. Applicant denies the remainder of the allegations in Paragraph 3.

4. Applicant lacks sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 4, and therefore denies same.

5. Applicant lacks sufficient knowledge or information to form a belief as to the allegations contained in Paragraph 5, and therefore denies same.

6. Applicant admits the allegations in Paragraph 6.

7. Applicant admits the allegations in Paragraph 7.

8. Applicant denies the allegations in Paragraph 8.

9. Applicant denies the allegations in Paragraph 9.

FIRST AFFIRMATIVE DEFENSE

1. Opposer's claims are barred, in whole or in part, to the extent there exists no likelihood of confusion between the marks at issue.

SECOND AFFIRMATIVE DEFENSE

2. Applicant hereby gives notice that it may rely on any other defenses and/or counterclaims that may become available or appear proper during discovery, and hereby reserves its right to amend this Answer to assert any such defenses and/or counterclaims.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be rejected and that Applicant's application be allowed to proceed to registration in its entirety.

Respectfully submitted,

WARRIOR ATHLETICS LLC

Dated: March 29, 2013

By: /Anthony P. Luisi/
Anthony P. Luisi, Esq.
Cuddy & Feder LLP
445 Hamilton Avenue, 14th Floor
White Plains, New York 10601
Tel: (914) 761-1300
Fax: (914) 761-5372
Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on March 29, 2013, a copy of the foregoing Answer to Notice of Opposition to Application Serial No. 85/474,290 was served by the undersigned upon Opposer, by first class mail, postage prepaid, addressed as follows:

Mary L. Kevlin, Esq.
Cowan, Liebowitz & Latman, P.C.
1133 Avenue of the Americas
New York, New York 10036

/Anthony P. Luisi/
Anthony P. Luisi, Esq.