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

Proceeding	91218423
Party	Defendant Manifatture 7 Bell S.p.A.
Correspondence Address	LEO M LOUGHLIN ROTHWELL FIGG ERNST & MANBECK PC 607 14TH ST NW STE 800 WASHINGTON, DC 20005-2005 UNITED STATES
Submission	Answer
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Date	10/23/2014
Attachments	Answer.pdf(110843 bytes)

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

ROY "DUSTY" ROGERS, JR., AS TRUSTEE OF
THE CHILDREN'S TRUST U/A ROY ROGERS
AND DALE EVANS ROGERS TRUST

and

HAPPY TRAILS, LLC,

Opposers,

v.

MANIFATTURE 7 BELL S.P.A. ,

Applicant.

Opposition No. 91218423

APPLICANT'S ANSWER TO THE NOTICE OF OPPOSITION

Opposers, Roy "Dusty" Rogers, Jr., as Trustee of the Children's Trust U/A Roy Rogers and Dale Evans Rogers Trust and Happy Trails, LLC, have filed a Notice of Opposition against Application Serial No. 85/931,769 for the mark ROY ROGER'S in classes 18, 25 and 35. Applicant, Manifatture 7 Bell S.p.A., by and through its undersigned counsel, as and for its Answer to the Notice of Opposition, states as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 1 of the Notice of Opposition and therefore denies the same.

2. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 2 of the Notice of Opposition and therefore denies the same.

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 3 of the Notice of Opposition and therefore denies the same.

4. Applicant admits the allegations of Paragraph 4 of the Notice of Opposition.

5. Applicant admits that there is no license agreement between Applicant and Opposers. Applicant denies the remaining allegations of Paragraph 5 of the Notice of Opposition.

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

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations of Paragraph 7 of the Notice of Opposition and therefore denies the same.

8. Applicant admits the allegations of Paragraph 8 of the Notice of Opposition.

9. Applicant denies the allegations of Paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations of Paragraph 10 of the Notice of Opposition.

11. Paragraph 11 contains statements of law to which no response is required.

12. Applicant denies the allegations of Paragraph 12 of the Notice of Opposition.

13. Applicant denies the allegations of Paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations of Paragraph 14 of the Notice of Opposition.

15. Applicant admits the allegations of Paragraph 15 of the Notice of Opposition.

16. Applicant denies the allegations of Paragraph 16 of the Notice of Opposition.

17. Applicant denies the allegations of Paragraph 17 of the Notice of Opposition.

18. Applicant denies the allegations of Paragraph 18 of the Notice of Opposition.

19. Applicant admits the allegations of Paragraph 19 of the Notice of Opposition.

20. Applicant denies the allegations of Paragraph 20 of the Notice of Opposition.

21. Applicant denies the allegations of Paragraph 21 of the Notice of Opposition.

22. Applicant denies the allegations of Paragraph 22 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

Subject to the responses above, Applicant asserts the following affirmative defenses to the Notice of Opposition. Assertion of these defenses is not a concession that Applicant has the burden of proving the matter asserted. Applicant reserves the right to assert additional affirmative defenses, as they become known through the course of discovery.

1. The Notice of Opposition fails to state a claim upon which relief can be granted.

2. Opposers' claims are barred, in whole or in part, because Opposers own no protectable rights in the name ROY ROGERS.

3. Opposers' claims are barred by the fact that Opposers have engaged in acts of omission or commission that caused its alleged name to lose any distinctiveness such name ever had as an indicator of origin.

4. Applicant will rely on such other and further defenses as appear from discovery and the evidence.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed with prejudice.

Respectfully submitted,

MANIFATTURE 7 BELL S.P.A.

E. Anthony Figg, Esq.
Leo M. Loughlin, Esq.
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Attorneys for Applicant

Dated: October 23, 2014

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing APPLICANT'S ANSWER TO THE NOTICE OF OPPOSITION was served via first-class mail, postage prepaid, on counsel for Opposers.

REBECCA A FINKENBINDER
MCNEES WALLACE & NURICK
100 PINE STREET
P O BOX 1166
HARRISBURG, PA 17108-1166

This 23th day of October, 2014

Leo M. Loughlin