



TTAB

12-12-2001

U.S. Patent & TMO/TM Mail Rcpt Dt. #71

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

NATIONAL INSTITUTE ON MEDIA AND
THE FAMILY

Opposer,

vs.

MEDIAWISE, INC., f/k/a/
KANSAS CITY ALLIANCE FOR
NONVIOLENT PROGRAMMING

Applicant.

) Opposition No. 120,888

) Mark: **MEDIAWISE**

) Serial No. 75/595,360

) Attorney Docket: PROB.84561

CERTIFICATE OF MAILING
37 C.F.R. 1.8

I hereby certify that this correspondence is being deposited
with the U.S. Postal Service as First Class Mail in an
envelope addressed to: Box TTAB No Fee, Assistant
Commissioner for Trademarks, 2900 Crystal Drive,
Arlington, VA 22202-3513, on:

12/10/01

Constance M Jordan

Date

Signature

ANSWER TO NOTICE OF OPPOSITION

BOX TTAB NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

A Consented Motion for extension of time to December 8, 2001 (a Saturday) in which
to file an Answer to Opposer's Notice of Opposition was mailed to the Board on November 8, 2001,
and was presumably granted.

Applicant, through its undersigned attorneys, answers the Notice of Opposition as
follows:

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

2. Applicant admits the allegations contained in paragraph 2 of the Notice of Opposition.

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 regarding Opposer's application, and therefore denies such allegations. Applicant denies the last sentence in paragraph 3.

4. Applicant denies the allegations contained in paragraph 4 of the Notice of Opposition.

5. Applicant admits that its use of the mark MEDIA WISE is without Opposer's consent or permission but denies that any such consent or permission is needed.

6. Applicant denies the allegations contained in paragraph 6 of the Notice of Opposition.

7. Applicant denies the allegations contained in paragraph 7 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

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

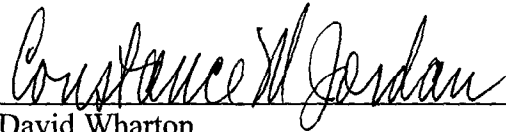
2. Opposer lacks standing to bring this opposition proceeding.

3. Opposer lacks priority of use over Applicant with respect to the use of the mark of the application.

4. Opposer has failed to show that it has established trademark rights in its alleged mark.

WHEREFORE, Applicant respectfully requests that this opposition be dismissed, and that Applicant's mark as set forth in Application Serial No. 75/595,360 be duly registered.

Respectfully submitted,



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ATTORNEYS FOR APPLICANT

CERTIFICATE OF SERVICE

I hereby certify that the foregoing Answer to Notice of Opposition was served this 10th day of December, 2001, by mailing a copy thereof, via first-class mail, postage prepaid, to Opposer's attorneys as follows:

Elizabeth C. Buckingham
Greg Krakau
Dorsey & Whitney LLP
220 South Sixth Street
Minneapolis, MN 55402-1498



Attorney for Applicant