

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

In the Matter of Application
Serial No. 76/246,166

Mark: MOVIEWATCH

AMERICAN MULTI-CINEMA, INC.)	
)	
Opposer,)	
)	
v.)	Opposition No. 91,152,524
)	
HUBBARD MEDIA GROUP, LLC)	
)	
Applicant.)	

ANSWER TO NOTICE OF OPPOSITION

Applicant, Hubbard Media Group, LLC (“Applicant”), in response to the Notice of Opposition filed by American Multi-Cinema, Inc. (“Opposer”), states as follows:

1. Applicant admits the allegations of paragraph 1 of the Notice of Opposition.
2. Applicant is without knowledge sufficient to admit or deny the allegations of paragraph 2 of the Notice of Opposition and therefore denies those allegations.
3. Applicant is without knowledge sufficient to admit or deny the allegations of paragraph 3 of the Notice of Opposition and therefore denies those allegations.
4. Applicant is without knowledge sufficient to admit or deny the allegations of paragraph 4 of the Notice of Opposition and therefore denies those allegations.
5. Applicant is without knowledge sufficient to admit or deny the allegations of paragraph 5 of the Notice of Opposition and therefore denies those allegations.

6. The allegations set forth in paragraph 6 of the Notice of Opposition set forth conclusions of law to which no response is required. To the extent any response is required, Applicant denies the allegations of paragraph 6 of the Notice of Opposition

7. The allegations set forth in paragraph 7 of the Notice of Opposition set forth conclusions of law to which no response is required. To the extent any response is required, Applicant denies the allegations of paragraph 7 of the Notice of Opposition, except for the description of the nature of the Applicant's proposed services.

8. The allegations set forth in paragraph 8 of the Notice of Opposition set forth conclusions of law to which no response is required. To the extent any response is required, Applicant denies the allegations of paragraph 8 of the Notice of Opposition.

9. The allegations set forth in paragraph 9 of the Notice of Opposition set forth conclusions of law to which no response is required. To the extent any response is required, Applicant denies the allegations of paragraph 9 of the Notice of Opposition.

10. The allegations set forth in paragraph 10 of the Notice of Opposition set forth conclusions of law to which no response is required. To the extent any response is required, Applicant denies the allegations of paragraph 10 of the Notice of Opposition.

FIRST AFFIRMATIVE DEFENSE

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

SECOND AFFIRMATIVE DEFENSE

Opposer has failed to police and enforce its rights in its MOVIEWATCHER mark.

THIRD AFFIRMATIVE DEFENSE


There is no likelihood of confusion because the parties are offering dissimilar services to different classes of consumers through different channels of trade.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed with prejudice and its costs be awarded against Opposer.

Respectfully submitted,

HOLLAND & KNIGHT LLP

By: _____



Thomas W. Brooke
Suite 100
2099 Pennsylvania Avenue, N.W.
Washington, D.C. 20037
(202) 955-3000

Counsel for Applicant

CERTIFICATE OF SERVICE

I hereby certify that this Answer to Notice of Opposition is being served by first class mail, postage prepaid, to the person listed below, at his said address this 30th day of August 2002.

Peter C. Knops, Esq.
LATHROP & GAGE L.C.
2345 Grand Ave., Suite 2500
Kansas City, MO 64108



Thomas W. Brooke