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

In the matter of application)
Serial No.: 78/020,597)
Published in the Official Gazette on)
September 24, 2002, at page 751)
Mark: BEST OF SAN FRANCISCO)
_____)
NT MEDIA, LLC, a Delaware limited)
liability company,)
Opposer,)
v.)
BEST OF SAN FRANCISCO, INC.,)
a Delaware corporation,)
Applicant.)
_____)

Opposition No. 153889
**ANSWER TO NOTICE OF
OPPOSITION**

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Best of San Francisco, Inc. ("Applicant"), a Delaware corporation with its principal place of business in San Francisco, California, through its attorneys, hereby answers the Notice of Opposition filed by NT Media, LLC ("Opposer"), in this action:

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1. In Answer to the first sentence of paragraph 1 of the Notice of Opposition, Applicant admits that it filed an application to register the mark BEST OF SAN FRANCISCO in International Class 35, for advertising and promotion of goods and services over global computer communications networks. In Answer to the second sentence of paragraph 1, Applicant denies that its mark is merely descriptive of Applicant's services; Applicant admits that it has applied to register its mark under section 2(f) of the Lanham Act. In Answer to the third sentence of paragraph 1, Applicant admits that its mark BEST OF SAN FRANCISCO has become distinctive of Applicant's services in commerce and that Applicant so has averred and alleged. Except as so specifically admitted herein, Applicant denies each and every remaining allegation in paragraph 1 of the Notice of Opposition.

2. In Answer to the first sentence of paragraph 2 of the Notice of Opposition, Applicant denies each and every allegation contained in that sentence. In response to the second sentence of paragraph 2, Applicant lacks information and knowledge sufficient to form a belief as to the truth of the allegations in that sentence and on that basis Applicant denies each and every allegation contained in that sentence.

3. In Answer to paragraph 3 of the Notice of Opposition, Applicant lacks information and knowledge sufficient to form a belief as to the truth of the allegations in that paragraph and on that basis Applicant denies each and every allegation contained in paragraph 3 of the Notice of Opposition.

4. In Answer to the first sentence of paragraph 4 of the Notice of Opposition, Applicant lacks information and knowledge sufficient to form a belief as to the truth of the allegations in that sentence and on that basis Applicant denies each and every

allegation contained in that sentence. In Answer to the second sentence of paragraph 4, Applicant admits that if Opposer is using Applicant's mark as so described, then Opposer's use of the mark conflicts, and is likely to impress and confuse, as alleged therein; except as so specifically admitted, Applicant denies each and every remaining allegation contained in the second sentence of paragraph 4. Applicant denies each and every allegation contained in the third sentence of paragraph 4; Applicant's mark is distinctive to Applicant.

5. In Answer to paragraph 5 of the Notice of Opposition, Applicant lacks information and knowledge sufficient to form a belief as to the truth of the allegation that Opposer has expended considerable effort and expense in promoting its alleged mark, and on that basis Applicant denies each and every allegation contained in the first clause of paragraph 5. In Answer to the remaining allegations in paragraph 5 (every allegation from the word "with" to the word "mark"), Applicant denies each and every such remaining allegation in paragraph 5 of the Notice of Opposition.

6. In Answer to paragraph 6 of the Notice of Opposition, Applicant admits that Opposer should not be able lawfully to use the mark BEST OF SAN FRANCISCO on services related and similar to Opposer's services. Applicant further admits that if Applicant is permitted to register its mark, that registration and the prima facie rights that flow from that registration may assist Applicant in enforcing its rights against Opposer. Except as so specifically admitted herein, Applicant denies each and every remaining allegation contained in paragraph 6 of the Notice of Opposition.

7. In Answer to paragraph 7 of the Notice of Opposition, Applicant lacks information and knowledge sufficient to form a belief as to the truth of the allegations in

this paragraph and on that basis denies each and every allegation contained in paragraph 7 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

8. As a first affirmative defense, the Notice of Opposition fails to allege facts sufficient to state a claim for relief.

9. As a second affirmative defense, the Notice of Opposition fails to allege facts with sufficient certainty to state a claim for relief.

10. As a third affirmative defenses, Opposer has failed to do equity in connection with the matters stated in the Notice of Opposition, and relief and remedy to Opposer must be barred by reason thereof.

11. As a fourth affirmative defense, Opposer's own unclean hands in the matters alleged in the Notice of Opposition bar and prevent Opposer from obtaining any relief or remedy in this Opposition proceeding.

12. As a fifth affirmative defense, Opposer is estopped by its own conduct and Applicant's reasonable reliance thereon from obtaining any relief or remedy in this Opposition proceeding.

13. As a sixth affirmative defense, a registration for the mark BEST OF SAN FRANCISCO must issue to Applicant, and not to Opposer, because the mark is distinctive of Applicant's services in commerce, and it is not distinctive of Opposer's services in commerce.

14. As a sixth affirmative defense, a registration for the mark BEST OF SAN FRANCISCO must issue to Applicant, and not to Opposer, because Applicant's use of the mark in commerce began as early as 1993 and proceeded continuously thereafter. By

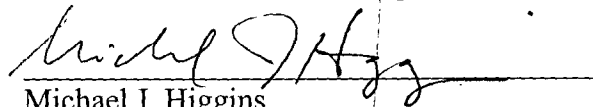
contrast, Opposer's alleged use of the mark did not begin (if at all) until 1996 or later, and then proceeded (if at all) only in a sporadic, inconsistent, noncontinuous and merely descriptive manner.

WHEREFORE Applicant prays for decision and judgment as follows:

Applicant requests that Opposer's Opposition be rejected and denied. Applicant further requests that the Board rule to grant Applicant's registration for the mark BEST OF SAN FRANCISCO (Application No. 78/020,597) and reject Opposer's pending application (Application No. 76/285,402) and refuse to register Opposer's mark.

DATED this 21st day of January, 2003.

Respectfully submitted,



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CERTIFICATE OF MAILING
BY EXPRESS MAIL

The undersigned hereby certifies the foregoing Answer to Notice of Opposition was mailed by Express Mail Post Office to Addressee Service, Express Mail Label No. EI811870455US to Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513 on this 21st day of January, 2003.



PROOF OF SERVICE BY FIRST CLASS MAIL

I, Lorri Woods, declare that:

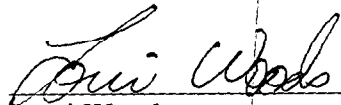
I am employed in the County of San Francisco, California. I am over the age of eighteen years and not a party to the within cause, my business address is One Embarcadero Center, 17th Floor, San Francisco, California 94111. On January 21, 2003, I served a copy of the following:

ANSWER TO NOTICE OF OPPOSITION

on the parties in this action, by placing a true copy thereof enclosed in a sealed envelope, first class postage fully prepaid, in the United States mail at San Francisco, California, addressed to the following:

John L. Hay
Judith M. Bailey
Christina M. Noyes
Gust Rosenfeld, PLC
201 East Washington, Suite 800
Phoenix, AZ 85004-2327

I declare under penalty of perjury that the foregoing is true and correct. Executed on January 21, 2003.



Lorri Woods