

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

In re matter of Application Serial No. 76/331540  
Filed on October 26, 2001  
For the Mark: GLOBE TREKKER (& DESIGN)  
Published in the *Official Gazette (Trademarks)* on November 12, 2002

Trek Bicycle Corporation, )  
 )  
 Opposer, )  
 )  
 v. )  
 )  
 Pilot Film & Television Productions Ltd. )  
 )  
 Applicant. )  
 \_\_\_\_\_ )

Opposition No. **155,056**



04-23-2003

U.S. Patent & TMO/TM Mail Rcpt Dt. #39

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

**ANSWER TO OPPOSITION**

Applicant, Pilot Film & Television Productions Ltd., a United Kingdom corporation, whose principal place of business is 18 Middle Row, London, United Kingdom W10 5AT, hereby responds to the Notice of Opposition filed relative to the above-referenced application as follows:

1. Answering paragraph 1 of the Opposition, Applicant admits the allegations contained therein.

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2. Answering paragraph 2 of the Opposition, Applicant admits the allegations contained therein.

3. Answering paragraph 3 of the Opposition, Applicant admits the allegations contained therein.

4. Answering paragraph 4 of the Opposition, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and placing its denial on that ground, denies such allegations.

5. Answering paragraph 5 of the Opposition, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and placing its denial on that ground, denies such allegations.

6. Answering paragraph 6 of the Opposition, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and placing its denial on that ground, denies such allegations.

7. Answering paragraph 7 of the Opposition, Applicant denies that Opposer's TREK mark is famous. Applicant lacks sufficient information to form a belief as to the truth of the remainder of the allegations contained in this paragraph, and placing its denial on that ground, denies such allegations.

8. Applicant admits this allegation, to the extent that Opposer owns the cited registrations, bear the registration numbers stated therein, cover the goods or services indicated and were granted on the dates stated. Applicant lacks sufficient information to form a belief as to the truth of the remainder of the allegations contained in this paragraph, and placing its denial on that ground, denies such allegations.

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9. Answering paragraph 9 of the Opposition, Applicant admits this allegation, to the extent that the Opposer owns the cited pending applications, bear the serial numbers stated therein, cover the goods or services indicated and were filed on the dates stated. Applicant lacks sufficient information to form a belief as to the truth of the remainder of the allegations contained in this paragraph, and placing its denial on that ground, denies such allegations.

10. Answering paragraph 10 of the Opposition, Applicant lacks sufficient information to form a belief as to the truth of the allegations contained therein, and placing its denial on that ground, denies such allegations.

11. Answering paragraph 11 of the Opposition, Applicant denies the allegations contained therein.

12. Answering paragraph 12 of the Opposition, Applicant admits the allegations contained therein.

13. Answering paragraph 13 of the Opposition, Applicant denies the allegations contained therein.

14. Answering paragraph 14 of the Opposition, Applicant denies the allegations contained therein.

15. Answering paragraph 15 of the Opposition, Applicant denies the allegations contained therein.

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**Affirmative Defenses**

Applicant asserts the following affirmative defenses:

16. This answering Applicant alleges that the Opposition and each allegation thereof, pursuant to the provisions of Rule 12(b)(6) of the Federal Rules of Civil Procedure, fail to state a claim against this Applicant upon which relief can be granted.

17. This answering Applicant alleges that Opposer, its agents and employees, voluntarily, with full knowledge of the matter set forth in said Opposition assumed any and all of the risks of injury, loss and damage alleged in said Opposition, if there were any.

18. This answering Applicant alleges that the Opposition and each claim for relief are barred by Plaintiff's bad faith and inequitable conduct.

19. This answering Applicant alleges that Opposer is barred from recovery because the actions undertaken by Applicant were undertaken in good faith, with the absence of malicious intent, and constitute lawful, proper, and justified means to accomplish legitimate business objectives.

20. This answering Applicant alleges that its GLOBE TREKKER mark is not confusingly similar to Opposer's TREK mark.

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21. This answering Applicant alleges that Opposer's TREK mark is not famous within the meaning of 43(c) of the Lanham Act of 1946, 15 U.S.C. 1125(c), and therefore is not subject to dilution nor the broad scope of protection afforded famous marks.

22. This answering Applicant alleges that, at this time, it has not yet had ample opportunity to discover facts to determine what other defenses may apply and therefore allege all affirmative defenses covered by Fed. R. Civ. P. 8(c), plus such other defenses as may be determined during discovery to be applicable, as to which this answering Applicant will seek leave of the United States Trademark Trial and Appeal Board to amend this Answer and add those defenses.

**WHEREFORE**, Applicant prays that the Notice of Opposition be overruled, and that Application Serial No. 76/331540 be registered in due course.

Respectfully submitted,



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Elena Muravina, Esq.  
Attorney for Applicant

Dated: April 23, 2003

ROSENFELD, MEYER & SUSMAN, LLP  
9601 Wilshire Boulevard, Fourth Floor  
Beverly Hills, California 90210  
(310) 858-7700

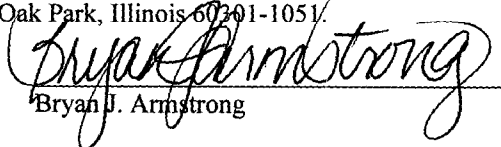
Mark: GLOBE TREKKER (& DESIGN)

Serial No.: 76/331540

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**CERTIFICATE OF SERVICE**

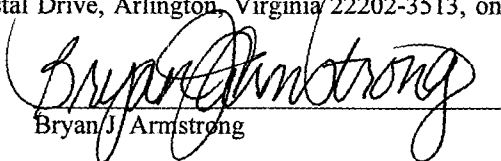
I hereby certify that a copy of the foregoing ANSWER TO OPPOSITION has been served upon the attorney for the Opposer on April 23, 2003 by depositing same in the United States Mail, first class postage prepaid, in an envelope addressed as follows: Amy Muran Felton, Esq., Merz & Associates, P.C., 1140 Lake Street, Suite 304, Oak Park, Illinois 60301-1051.

  
Bryan J. Armstrong

**CERTIFICATE OF EXPRESS MAIL**

"Express Mail" mailing label number EL402422696US

I hereby certify that this correspondence is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service in an envelope addressed to BOX TTAB – NO FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513, on April 23, 2003

  
Bryan J. Armstrong

**RMS**

ROSENFELD, MEYER & SUSMAN, LLP  
Attorneys At Law

TTAB

RMS Client File:  
13940-001000

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April 23, 2003

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Arlington, VA 22202-3513

04-23-2003

U.S. Patent & TMO/c/TM Mail Rcpt Dt. #39

Re: **Trademark Application for GLOBE TREKKER (& DESIGN)(Cl. 16)**  
Serial No. 76/331540  
Opp. No. **91155056**

Dear Sir:

Enclosed herewith please find the following items for filing relative to the above-referenced opposition proceeding:

1. Answer to Opposition;
2. Certificate of Express Mailing; and
3. Certificate of Service.

If you have any questions concerning any aspect of the enclosed documents, please feel free to contact me.

Very truly yours,

Bryan J. Armstrong  
Trademark Paralegal

BJA  
Enclosures  
cc: Ian Cross