

Serial No. 76/206,214.

4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations.

5. Admits that Applicant has filed an Application, Serial No. 76/466,449 for the mark "RAZZAROO" in International Class 9 for use with "interactive entertainment software, namely, interactive video game programs, interactive multimedia computer game programs, interactive video games of virtual reality comprised of computer hardware and software; computer game software; computer and video game apparatus, namely, video game machines for use with televisions; telephones; radio telephones; radios; pre-recorded audio and video tapes featuring music; laser discs, DVD discs, video discs, phonograph records, compact disks, and CD-ROMs, all featuring games, films, and music; electronic calculators; batteries; sunglasses; carrying cases for portable electronic devices; head phones; audio cassette players and recorders; CD players; DVD players; mouse pads; gaming machines," and that this Application was published for opposition on June 24, 2003.

6. Denies.

7. Denies.

8. Denies.

9. Denies.

10. Denies.

11. Denies.

FIRST AFFIRMATIVE DEFENSE

12. The Opposition fails to state a claim for which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

13. Applicant has applied to register a mark that is substantially different from the mark that Opposer seeks to register. Accordingly, there is no likelihood of confusion, deception, or other harm.

THIRD AFFIRMATIVE DEFENSE

14. Applicant has applied to register a mark for a use that is different from the alleged use by Opposer. Accordingly, there is no likelihood of confusion, deception or other harm.

FOURTH AFFIRMATIVE DEFENSE

15. Opposer lacks standing to oppose Applicant's registration of the "RAZZAROO" mark.

WHEREFORE, Applicant prays that this Opposition be dismissed, and that application Serial No. 76/466,449 for the mark "RAZZAROO" proceed to registration.

Please recognize Kim J. Landsman and Clare F. Saperstein, Patterson, Belknap, Webb & Tyler LLP, 1133 Avenue of the Americas, New York, NY 10036-6710, both members of the Bar of the State of New York, as the attorneys for the Applicant in this proceeding. All communications are to be directed to Clare F. Saperstein at the address identified above.

Dated: December 15, 2003

Respectfully submitted,

PATTERSON, BELKNAP, WEBB & TYLER LLP

By 

Kim J. Landsman, Esq.

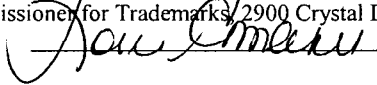
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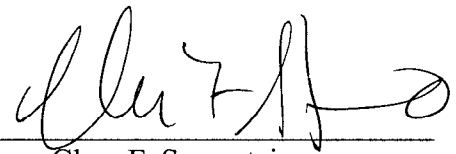
Attorneys for Applicant

CERTIFICATE OF EXPRESS MAILING: I hereby certify that this Notice of Opposition is being deposited with the U.S. Postal Service "Express Mail Post Office to Addressee" service (mailing label # **EV 170698255 US**) in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Attn.: Box TTAB, Arlington, VA 22202-3513, on the date indicated below.
By: , Lorri Emanu, December 15, 2003

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the forgoing **ANSWER TO NOTICE OF OPPOSITION** to be deposited with the United States Postal Service, First-Class Mail this 15th day of December, 2003 in an envelope addressed to the Applicant's attorney:

Marsha G. Gentner, Esq.
Jacobson Holman PLLC
400 Seventh Street, N.W.
Washington, D.C. 20004



Clare F. Saperstein