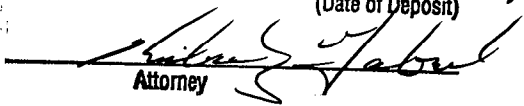


IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of:

Application No. : 76/072,106
 Applicant : Boss & Co. Limited
 Mark : BOSS
 Filing Date : June 16, 2000
 Publication Date : March 2, 2004

CERTIFICATE OF MAILING
 I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514, on July 28th, 2004
 (Date of Deposit)

 Attorney

Ava Enterprises, Inc., :
 :
 Opposer :
 :
 v. :
 :
 Boss & Co. Limited, :
 :
 Applicant. :

Opposition No. 91160952

TTAB

ANSWER TO NOTICE OF OPPOSITION

Boss & Co. Limited, a limited liability company organized under the laws of the United Kingdom, with a place of business at 16 Mount Street, London W1K 2RH, United Kingdom (hereinafter "Applicant"), files this answer to the allegations contained in the Notice of Opposition filed by Ava Enterprises, Inc. (hereinafter "Opposer").

1. Applicant is without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Notice of Opposition, and therefore denies same.
2. Applicant is without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 2 of the Notice of Opposition, and therefore denies same.
3. Applicant is without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Notice of Opposition, and therefore denies same.
4. Applicant is without knowledge sufficient to form a belief as to the truth of the



07-30-2004

allegations contained in paragraph 4 of the Notice of Opposition, and therefore denies same.

5. Applicant admits that Trademark Application Serial No. 76/072,106, sought to be opposed, is for the mark "BOSS" for use with "optical gun sights; telescopic gun sights; binoculars and telescopes" in international class 09 and for "gun sights for firearms, guns including sporting guns, rifles, shot guns and hand guns; parts and fittings for all the aforesaid goods; ammunition bags and cases for guns" in international class 13. Applicant denies that these are the only goods or services covered by the application.

Applicant admits that Trademark Application Serial No., 76/072,106, was filed on June 16, 2000, and contained a claim to priority in a foreign application under Section 44(d) of the Trademark Act, and is now based on Section 44(e) of the Trademark Act. Applicant denies that the application was filed with a claim to ownership of an issued foreign registration.

Applicant is without knowledge sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 5 of the Notice of Opposition, and therefore denies same.

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

7. Applicant is without knowledge sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Notice of Opposition, and therefore denies same.

8. Applicant admits that if it is permitted to attain the registration sought to be opposed, Applicant will have the prima facie exclusive right to use the "BOSS" term in commerce in connection with the goods and services identified in the registration. Applicant denies the remaining allegations contained in paragraph 8 of the Notice of Opposition.

9. Applicant denies the allegations contained in paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations contained in paragraph 10 of the Notice of Opposition.

11. Applicant denies the allegations contained in paragraph 11 of the Notice of Opposition.


Affirmative Defense

13. Applicant affirmatively alleges that Opposer is barred from opposing registration of Applicant's mark by laches and acquiescence.

14. Applicant affirmatively alleges that Applicant has used the mark BOSS & CO., and that the Applicant and its goods have been known and referred to as "BOSS" in the U.S., since at least as early as 1912, long prior to Opposer's first use of its pleaded mark.

In view of the foregoing, Applicant contends that this Notice of Opposition is groundless in fact and that Opposer has not shown that it will be damaged by registration of Applicant's mark and Applicant prays that this Opposition be dismissed.

Respectfully submitted,
Dinsmore & Shohl LLP

By: 
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Attorney for Applicant

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer to Notice of Opposition was served upon Plaintiff by first class mail, postage pre-paid, addressed to: Kent G. Goss and Christopher J. Chaudoir, Pillsbury Winthrop LLP, 725 South Figueroa Street, Suite 2800, Los Angeles, CA 90017-5406, on this 28th day of July 2004.



Kimberly Gambrel