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

Proceeding	91161533
Party	Defendant Hagerty, Brian P Hagerty, Brian P 1702 E. Winter Drive Phoenix, AZ 85020
Correspondence Address	Brian P, Hagerty, 1702 E WINTER DR PHOENIX, AZ 85020-4420
Submission	Answer
Filer's Name	Renee L. Mitchell
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Signature	/rlm/
Date	09/07/2004
Attachments	answer.tif (4 pages)

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

3 Outdoor Life Network, L.L.C., a Delaware
4 corporation,

5 Opposer,

6 vs.

Opposition No.: 91,161,533

7 Brian P. Hagerty,

8 Applicant.

9
10 **ANSWER TO NOTICE OF OPPOSITION**

11 Brian P. Hagerty (“Applicant”) files this Answer to the Notice of
12 Opposition, filed by Outdoor Life Network, L.L.C. (“Opposer”) and hereby alleges as
13 follows:

14 1. In response to the second sentence of the first unnumbered
15 paragraph of Opposer’s Notice of Opposition, Applicant admits that its mark, Extreme
16 Gravity, Application Serial No. 78/181,588, was published in the Official Gazette on
17 April 13, 2004, and denies that Opposer will be damaged by the registration of
18 Applicant’s mark.

19 2. Applicant lacks knowledge or information sufficient to form a
20 belief as to the truth of the allegations contained in paragraph 1 of the Notice of
21 Opposition.

22 3. Applicant admits the allegations contained in paragraphs 2 and 3 of
23 the Notice of Opposition and states that the U.S. Patent and Trademark Office
24 (“USPTO”) records speak for themselves.

25 4. Applicant lacks knowledge or information sufficient to form a
26 belief as to the truth of the allegations contained in paragraphs 4 and 5 of the Notice of
27 Opposition and states that the USPTO records speak for themselves.

1 commerce in connection with sunglasses, eyeglass frames and eyeglass cases.

2 **Sixth Affirmative Defense**

3 15. Opposer's claims are barred, in whole or in part, by the doctrine of
4 waiver/acquiescence.

5 **Seventh Affirmative Defense**

6 16. Opposer's claims are barred, in whole or in part, by the doctrine of
7 laches.

8 **Eighth Affirmative Defense**

9 17. Opposer's claims are barred, in whole or in part, because the
10 registration of Applicant's mark will not tarnish or dilute Opposer's alleged mark.

11 **Ninth Affirmative Defense**

12 18. Opposer's claims are barred, in whole or in part, because Opposer
13 lacks standing to bring the subject opposition proceeding.

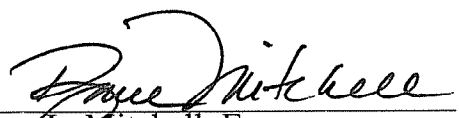
14 **Tenth Affirmative Defense**

15 19. Applicant reserves each and every other affirmative defense
16 identified in Rule 8(c) Fed.R.Civ.P., and each and every other matter that constitutes an
17 avoidance or affirmative defense that may prove through discovery to be supported by
18 the evidence in this proceeding.

19 WHEREFORE, Applicant prays that the subject opposition proceeding be
20 dismissed and that registration of its mark be granted.

21 Dated: September 7, 2004

Respectfully Submitted,
RYLEY CARLOCK & APPLEWHITE

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23
24 By: 
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Outdoor Life Network, L.L.C., a Delaware corporation,

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Opposition No.: 91,161,533

Brian P. Hagerty,

Applicant.

CERTIFICATE OF SERVICE

This certifies that a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served on Opposer by first class mail, postage pre-paid, addressed as follows:

David M. Silverman, Esq.
COLE, RAYWID & BRAVERMAN, L.L.P.
1919 Pennsylvania Avenue, N.W.
Suite 200
Washington, D.C. 20006

This 7th day of September, 2004.


Renee L. Mitchell