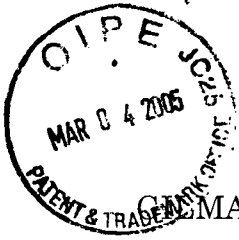


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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

GILMAR S.p.A.

Opposer,

Opposition No. 91163897

Serial No. 78245408

v.

GEORGE P. NOTTINGHAM



Applicant.

03-04-2005

U.S. Patent & TMOtc/TM Mail Rcpt Dt. #11

**ANSWER TO NOTICE OF OPPOSITION**

Applicant, George P. Nottingham, an individual having an office located at 8140 93<sup>rd</sup> Lane South, Boynton Beach, Florida 33437, by his undersigned attorneys, hereby submits his Answer to the Notice of Opposition filed by Opposer, Gilmar S.p.A, against the application for registration of the mark HISTORIESINK Serial No. 78245408, in Class 25, which was published in the Official Gazette on September 14, 2004, as follows:

1. Answering Paragraph 1 of the Notice of Opposition, the allegations contained therein are admitted.
2. Answering Paragraph 2 of the Notice of Opposition, the allegations contained therein are admitted. It is noted that the above-referenced trademark application also covers goods in Class 16 which are not the subject of this opposition.
3. Applicant has no knowledge or information sufficient to form a belief as to the allegations of Paragraph 3 of the Notice of Opposition, and therefore denies same.

4. Applicant has no knowledge or information sufficient to form a belief as to the allegations of Paragraph 4 of the Notice of Opposition, and therefore denies same.

5. Applicant has no knowledge or information sufficient to form a belief as to the allegations of Paragraph 5 of the Notice of Opposition, and therefore denies same.

6. Applicant admits that its application for registration was filed on or about May 3, 2003 but has no knowledge or information sufficient to form a belief as to the remaining allegations of Paragraph 6 of the Notice of Opposition, and therefore denies same.

7. Answering Paragraph 7 of the Notice of Opposition, Applicant has no knowledge or information sufficient to form a belief as to the ownership, validity, subsistence or abandonment of U.S. Trademark Registration No. 2,518,973, and therefore denies same. Applicant admits that the identification of goods for Reg. No. 2,518,973 given in paragraph 7 is consistent with the registration.

8. Applicant admits that Exhibit A to the Notice of Opposition is a TESS printout for Registration No. 2,518,973 as of January 12, 2005.

9. Applicant has no knowledge or information sufficient to form a belief as to the allegations of Paragraph 9 of the Notice of Opposition, and therefore denies same.

10. Applicant admits that the registration date of Reg. No. 2,518,973 predates the filing date of its application. Applicant has no knowledge or

information sufficient to form a belief as to the remaining allegations of Paragraph 10 of the Notice of Opposition, and therefore denies same.

11. Answering Paragraph 11 of the Notice of Opposition, the allegations contained therein are denied.

12. Applicant has no knowledge or information sufficient to form a belief as to the allegations of Paragraph 12 of the Notice of Opposition, and therefore denies same.

13. Applicant has no knowledge or information sufficient to form a belief as to the allegations of Paragraph 13 of the Notice of Opposition, and therefore denies same.

14. Answering Paragraph 14 of the Notice of Opposition, the allegations contained therein are admitted.

15. Answering Paragraph 15 of the Notice of Opposition, the allegations contained therein are denied.

16. Answering Paragraph 16 of the Notice of Opposition, the allegations contained therein are denied.

### **Affirmative Defenses**

17. On information and belief, there is no likelihood of confusion with respect to Applicant's mark HISTORIESINK, and the Opposer's mark HISTORY ICEBERG.

18. Opposer fails to state a claim upon which relief can be granted.

Applicant, in view of the foregoing, submits that there is no likelihood of confusion by and between the respective marks of the parties, and Opposer will not

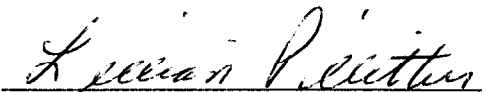
be damaged by the registration of Applicant's mark. Wherefore, Applicant respectfully requests that the Notice of Opposition be dismissed, and its mark be passed to allowance.

GEORGE P. NOTTINGHAM

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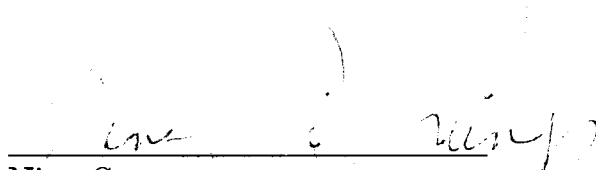
CERTIFICATE OF SERVICE

I hereby certify that a copy of the attached Answer to Notice of Opposition was served via first class mail, postage prepaid to: Dennis H. Cavanaugh, Esq., Piliero Goldstein Kogan & Mitchell, LLP, 10 East 53<sup>rd</sup> Street, New York, New York 10022 Attorneys for Opposer, on this 3<sup>rd</sup> day of March, 2005.

  
Lillian Pillitteri  
Lillian Pillitteri

CERTIFICATE OF HAND FILING

I hereby certify that the attached Answer to Notice of Opposition was hand-delivered to: Commissioner for Trademarks, U.S. Patent and Trademark Office, 2900 Crystal Drive, Arlington, VA 22202-3514, Attention: MAIL STOP TTAB – No Fee, on this 15<sup>th</sup> day of March, 2005.

  
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Nina Crump

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