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

Proceeding	91166528
Party	Defendant Nite Life Car Club Association Nite Life Car Club Association 2277 Anthony Drive Ventura, CA 93003
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on No:	Nitelife of Santa Barbara)	Oppositi
	91166528)	
Opposer)	Serial No:	78344503
)		
k: NITE LIFE	v.)	Trademar
)			
Nite Life Car Club Association)	Tracking No:	ES
TTA44384)		
Applicant)		
_____)	Answer submitted:		19 Oct 0

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ANSWER TO OPPOSITION

Applicant initially wishes to point out that Opposer appears to lack Standing in this matter to assert its position on the above designated mark; Opposer has neither a registration nor an application for registration of the term Nitelife Santa Barbara or any other term. However, one of Opposer's newer members, Daniel Trejo, has filed for registration of the mark NITELIFE SANTA BARBARA, as his exclusive and sole right to use, apparently to the exclusion of both Opposer, the Santa Barbara group of Nitelife Santa Barbara, and Applicant, the Ventura group of Nitelife Santa Barbara. Applicant urges that the real parties at interest in this matter are Applicant herein and Daniel Trejo, and not Nitelife Santa Barbara. Mr. Trejo's application for registration is still pending under application number 76559200. Applicant filed an Opposition to registration of Mr. Trejo's application; however, Mr. Trejo failed to file a timely Answer thereto.

In further responding to Opposer's allegations in the above designated Opposition on file, Applicant answers each as follows:

1. Applicant denies that Opposer, as an association, and its members adopted and have continuously used since the early 1980's the mark NITELIFE SANTA BARBARA; the term Nitelife Santa Barbara has been used as the association name, i.e. Trade Name of the association, and Applicant as members of said association likewise used said term during

the same period, i.e. since the early 1980's. It is only recently that one of Opposer's newer members, Daniel Trejo, personally filed for registration of the Trade Mark NITELIFE SANTA BARBARA as his sole and exclusive property with rights superior to all members of both Opposer's group and Applicant's group of the association.

2. Applicant denies that Opposer, as an association, used the mark NITELIFE SANTA BARBARA on sale of clothing since early 1980.

3. Applicant denies that Opposer is the exclusive owner of continuous and long term common law rights in the mark NITELIFE SANTA BARBARA and the substantial goodwill in conjunction therewith; Applicant and Opposer jointly used the term for the same period and gained mutual Common Law rights thereto.

4. Applicant admits the allegations of paragraph 4 that Applicant has filed for registration of the mark NITE LIFE.

5. Applicant denies that Applicant's mark, NITE LIFE or NITE LIFE VENTURA, so resembles Opposer's mark, NITELIFE SANTA BARBARA, that it will likely, when applied to similar goods or services, cause confusion, mistake, or deception within the meaning of section 2(d) of the Trademark Act. Opposer's mark clearly represents and suggests that Opposer's association group resides in or emanates from Santa Barbara, whereas Applicant's mark suggest either no geographical affiliation or an affiliation with Ventura.

6. Applicant denies that registration of Applicant's mark would foreclose any natural expansion of Opposer's trademark rights, including federal trademark protection for use of the trademark on clothing and other items distributed by Opposer in the normal course of operating the association Nite Life Santa Barbara.

7. Applicant denies its claim to exclusive right to use the mark NITELIFE or NITE LIFE. Applicant urges that both the Santa Barbara group of the association, i.e. Opposer, and the Ventura group of the association, i.e. Applicant, have always been and are still the same association residing in different communities. Each group has had and should continue to have equal right and title to the mark NITE LIFE. Members of both groups have jointly used the mark since the early 1980's and both continue to use the mark jointly and exclusively to the rest of the world. Applicant's group, now residing in Ventura, actually uses the mark NITE LIFE VENTURA in promotion of its goods and services, just as Opposer's group, still residing in Santa Barbara, uses the term Nitelife Santa Barbara.

WHEREFORE, Applicant prays that the opposition be denied and that registration of the mark NITE LIFE be passed to allowance and issuance in due course.

Respectfully submitted,

/W.D.English/

Woodrow Douglas English

Attorney at Law