

# TTAB



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

Yamaha Motor Corporation, U.S.A. )

Opposer, )

vs. )

Michael Krieger )

Applicant. )

Opposition No. 91167032

### ANSWER TO NOTICE OF OPPOSITION

COMES NOW the Applicant, by and through counsel, and responds to the Notice of Opposition herein. Any allegation in the Notice of Opposition not specifically admitted herein is denied.

1. As to enumerated paragraph one of the Notice of Opposition, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegations contained therein, and therefore denies same.

2. As to enumerated paragraph two of the Notice of Opposition, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegations contained therein, and therefore denies same.



3. As to enumerated paragraph three of the Notice of Opposition, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegations contained therein, and therefore denies same; except that Applicant denies that Applicant's mark so resembles Opposer's alleged WAVE RUNNER mark as to be likely to cause confusion or to cause mistake or to deceive.

4. As to enumerated paragraph four of the Notice of Opposition, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegations contained therein, and therefore denies same; except that Applicant admits that a purported copy of a printout of a status record from the official website of the United States Patent and Trademark Office for Registration No. 1,508,023 is attached.

5. As to enumerated paragraph five of the Notice of Opposition, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegations contained therein, and therefore denies same; except that Applicant denies that Applicant's mark so resembles Opposer's alleged WAVE VENTURE mark as to be likely to cause confusion or to cause mistake or to deceive.

6. As to enumerated paragraph six of the Notice of Opposition, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegations contained therein, and therefore denies same; except that Applicant admits that a

purported copy of a printout of a status record from the official website of the United States Patent and Trademark Office for Registration No. 2,067,464 is attached.

7. As to enumerated paragraph seven of the Notice of Opposition, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegations contained therein, and therefore denies same; except that Applicant denies that Applicant's mark so resembles Opposer's alleged CLUB WAVE mark as to be likely to cause confusion or to cause mistake or to deceive.

8. As to enumerated paragraph eight of the Notice of Opposition, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegations contained therein, and therefore denies same; except that Applicant admits that a purported copy of a printout of a status record from the official website of the United States Patent and Trademark Office for Registration No. 2,315,970 is attached.

9. As to enumerated paragraph nine of the Notice of Opposition, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegations contained therein, and therefore denies same; except that Applicant denies that Applicant's mark so resembles Opposer's alleged WAVE RUNNER, WAVE VENTURE and CLUB WAVE marks as to be likely to cause confusion or to cause mistake or to deceive.

10. As to enumerated paragraph ten of the Notice of Opposition, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegations contained therein, and therefore denies same.

11. As to enumerated paragraph eleven of the Notice of Opposition, Applicant lacks sufficient knowledge and information upon which to form a belief as to the truth of the allegations contained therein, and therefore denies same.


WHEREFORE, Applicant prays that the Notice of Opposition be dismissed, with prejudice, and that Applicant's opposed application herein be passed to registration.

Respectfully submitted,

Michael Krieger

Date: November 29, 2005

By:

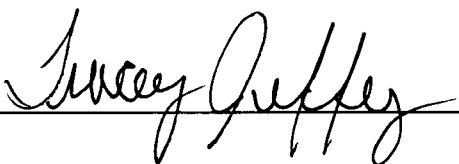
  
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Atty. Dkt. No.: 11934/I05356

**CERTIFICATE OF SERVICE**

It is hereby certified that a copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** was filed in the Patent and Trademark Office on November 29, 2005, and was served on counsel for the Opposer via first class mail, postage prepaid, on this 29th day of November, 2005, as follows:

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