

ESTTA Tracking number: **ESTTA70600**

Filing date: **03/13/2006**

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

Proceeding	91168925
Party	Defendant Big Dog Rescue, Inc. Big Dog Rescue, Inc. 2550 Roberts Ranch Lane Pengrove, CA 94951
Correspondence Address	BETH M. GOLDMAN HELLER EHRMAN WHITE & MCAULIFFE LLP 333 BUSH ST SAN FRANCISCO, CA 94104-2806
Submission	Answer
Filer's Name	John C. Wilson
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Signature	/John C. Wilson/
Date	03/13/2006
Attachments	Answer - Big Dog Rescue.pdf ( 8 pages )



Applicant states the following with respect to the second paragraph of the Notice of Opposition, which is not numbered: Applicant admits the allegations in the second unnumbered paragraph.

Applicant further states as follows:

1. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 1 of the Notice of Opposition and accordingly denies those allegations.

2. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 2 of the Notice of Opposition and accordingly denies those allegations.

3. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 3 of the Notice of Opposition and accordingly denies those allegations.

4. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 4 of the Notice of Opposition and accordingly denies those allegations.

5. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 5 of the Notice of Opposition and accordingly denies those allegations.

6. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 6 of the Notice of Opposition and accordingly denies those allegations.

7. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 7 of the Notice of Opposition and accordingly denies those allegations.

8. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 8 of the Notice of Opposition and accordingly denies those allegations.

9. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 9 of the Notice of Opposition and accordingly denies those allegations.

10. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 10 of the Notice of Opposition and accordingly denies those allegations.

11. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 11 of the Notice of Opposition and accordingly denies those allegations.

12. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 12 of the Notice of Opposition and accordingly denies those allegations.

13. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 13 of the Notice of Opposition and accordingly denies those allegations.

14. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 14 of the Notice of Opposition and accordingly denies those allegations.

15. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 15 of the Notice of Opposition and accordingly denies those allegations.

16. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 16 of the Notice of Opposition and accordingly denies those allegations.

17. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 17 of the Notice of Opposition and accordingly denies those allegations.

18. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 18 of the Notice of Opposition and accordingly denies those allegations.

19. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 19 of the Notice of Opposition and accordingly denies those allegations.

20. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 20 of the Notice of Opposition and accordingly denies those allegations.

21. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 21 of the Notice of Opposition and accordingly denies those allegations.

22. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph number 22 of the Notice of Opposition and accordingly denies those allegations.

23. Applicant admits it applied to register the mark shown in Application Serial No. 78/525183 for “animal rescue services.” Applicant does not have sufficient knowledge or information to form a belief as to the truth of the remaining allegations in paragraph number 23 of the Notice of Opposition and accordingly denies those allegations.

24. Applicant admits the allegations in paragraph number 24 of the Notice of Opposition.

25. Applicant denies the allegations in paragraph number 25 of the Notice of Opposition.

26. Applicant denies the allegations in paragraph number 26 of the Notice of Opposition.

27. Applicant denies the allegations in paragraph number 27 of the Notice of Opposition.

28. Applicant denies the allegations in paragraph number 28 of the Notice of Opposition.

29. Applicant denies the allegations in paragraph number 29 of the Notice of Opposition.

30. Applicant denies the allegations in paragraph number 30 of the Notice of Opposition.

31. Applicant denies Opposer will be damaged by registration of the mark shown in Application Serial No. 78/525,183. Applicant does not have sufficient knowledge or information to form a belief as to the truth of the remaining allegations in paragraph number 31 of the Notice of Opposition and accordingly denies those allegations.

32. Applicant denies the allegations in paragraph number 32 of the Notice of Opposition.

Applicant states the following with respect to the last paragraph of the Notice of Opposition containing allegations, which is not numbered: Applicant does not have sufficient knowledge or information to form a belief as to the truth of the allegations in the last unnumbered paragraph of the Notice of Opposition and accordingly denies those allegations.

### **AFFIRMATIVE DEFENSES**

1. Opposer's request for relief is barred by the equitable doctrine and affirmative defense of waiver.

2. Opposer's request for relief is barred by the equitable doctrine and affirmative defense of acquiescence.

3. Opposer's request for relief is barred by the equitable doctrine and affirmative defense of estoppel.

4. Opposer's request for relief is barred by the equitable doctrine and affirmative defense of laches.

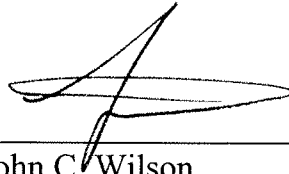
5. Opposer's request for relief is barred by the equitable doctrine and affirmative defense of unclean hands.

6. Opposer's request for relief is barred for failure to state a claim under Lanham Act Section 43(c).

WHEREFORE, Applicant respectfully requests that the opposition be dismissed with prejudice.

Respectfully submitted,

HELLER EHRMAN LLP



By: \_\_\_\_\_

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Attorneys for Applicant

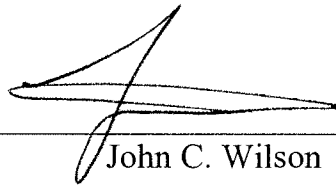
Dated: March 13, 2006



**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served upon Opposer's attorneys of record by depositing a copy thereof in the United States Mail on March 13, 2006, first-class mail, postage prepaid, in an envelope addressed as follows:

Kurt Koenig  
Koenig & Associates  
220 East Figueroa Street  
Santa Barbara, CA 93101



John C. Wilson