

ESTTA Tracking number: **ESTTA83746**

Filing date: **06/02/2006**

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

| | |
|------------------------|---|
| Proceeding | 91169281 |
| Party | Defendant Surf Technicians, Inc. Surf Technicians, Inc. 2685 Mattison Lane Santa Cruz, CA 95062 |
| Correspondence Address | Diane J. Mason DORSEY & WHITNEY LLP 555 California Street, Suite 1000 SAN FRANCISCO, CA 94104 UNITED STATES mason.diane@dorsey.com |
| Submission | Answer |
| Filer's Name | Diane J. Mason |
| Filer's e-mail | mason.diane@dorsey.com |
| Signature | /djm/ |
| Date | 06/02/2006 |
| Attachments | Nike v. Surf Tech Answer to Opp.pdf (2 pages)(12199 bytes) |

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

NIKE, INC.

Opposer,

v.

SURF TECHNICIANS, INC.,

Applicant.

Opposition No. 91169281

Application Serial No. 78/522587

APPLICANT'S ANSWER TO OPPOSITION

ANSWER TO NOTICE OF OPPOSITION

Applicant, SURF TECHNICIANS, INC., a California corporation, located at 2685 Mattison Lane, Santa Cruz, CA 95062, hereby responds to the similarly numbered paragraphs of the Notice of Opposition, of Opposer, NIKE, INC., as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1 of the Notice of Opposition and therefore denies the same.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 2 of the Notice of Opposition and therefore denies the same.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3 of the Notice of Opposition and therefore denies the same.
4. Applicant admits the allegations of paragraph 4 of the Notice of Opposition.

5. Applicant is investigating the circumstances surrounding its first use of its Mark, and presently is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5 of the Notice of Opposition.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 6 of the Notice of Opposition and therefore denies the same.

7. Applicant denies the allegations of paragraph 7 of the Notice of Opposition.

8. Applicant denies the allegations of paragraph 8 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

9. Opposer is barred from relief by laches.

10. There is no likelihood of confusion as to source because, inter alia, Applicant's Mark and the pleaded marks of Opposer are not confusingly similar.

In view of the foregoing, Applicant contends that this opposition is groundless and baseless in fact; that Opposer has not shown that it will be, or is likely to be, damaged by registration of Applicant's Mark; and that Applicant's Mark is manifestly distinct from any alleged mark of Opposer. Wherefore, Applicant respectfully prays that the Notice of Opposition be dismissed and that Applicant be granted the registration of its mark.

Respectfully submitted,

DORSEY & WHITNEY LLP

Diane J. Mason
Attorneys for Applicant

555 California Street, Suite 1000
San Francisco, CA 94104
Telephone: (415) 781-1989