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

Proceeding	91169787
Party	Defendant Miliante, James, F Miliante, James, F 37 gilroy street staten island, NY 10309
Correspondence Address	MILIANTE,JAMES,F 37 GILROY ST STATEN ISLAND, NY 10309-1742
Submission	Answer
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Signature	/Brian Gibbons/
Date	04/24/2006
Attachments	playersedge.01.pdf (4 pages)(66485 bytes)

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

MAJOR LEAGUE BASEBALL PLAYERS
ASSOCIATION,

Petitioner

v.

JAMES MILIANTE,

Registrant

In the matter of
Application Serial No. 78/568,141
For the mark: PLAYER'S EDGE

Published in the Official Gazette
On November 15, 2005

Opposition No. 91169787

ANSWER

ANSWER

James Miliante, by and through its undersigned counsel, answers the Notice of Opposition as follows:

1. Denied. Applicant lacks sufficient knowledge as to the assertions of fact or law as made by Opposer.
2. Admitted.
3. Admitted.
4. Admitted.
5. Denied. Applicant lacks sufficient knowledge as to the assertions of fact or law as made by Opposer.

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6. Denied. Applicant lacks sufficient knowledge as to the assertions of fact or law as made by Opposer.
7. Denied. Applicant lacks sufficient knowledge as to the assertions of fact or law as made by Opposer.
8. Denied. Applicant lacks sufficient knowledge as to the assertions of fact or law as made by Opposer.
9. Denied.
10. Denied.

AFFIRMATIVE DEFENSES

In further Answer to the Notice of Opposition, Applicant pleads the following affirmative defenses:

11. The Notice of Opposition fails to state a claim upon which relief may be granted.
12. Opposer lacks standing to oppose Application Serial No. 78/568,141.
13. Opposer's claims may be barred because there is no likelihood of confusion, mistake or deception; that the goods and services are provided in different channels of trade; or that no actual confusion, mistake or deception has or will occur.
14. Opposer's claims may be barred because it cannot show prior use.
15. Opposer's claims may be barred due to one or more of the following defenses: waiver, laches, estoppel, acquiescence, fair use, fraud, misuse, mistake, prior registration or unclean hands.

Answer

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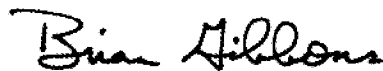
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16. Applicant also asserts that it may be entitled to registration within a certain geographic region or certain channel(s) of trade.
17. Opposer reserves the right to assert additional affirmative defenses as they may become known through the process of discovery.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed, and that this opposition proceeding be sustained in favor of Applicant.

James Miliante has appointed Brian R. Gibbons, an attorney admitted to practice before the Supreme Court of the State of Florida, whose principal office is located at 3936 S. Semoran Blvd, Suite 330, Orlando, Florida 32822-4015, as its duly authorized agent and attorney in the matter of this opposition, with full power of substitution and revocation, to transact all business with the Patent and Trademark Office and elsewhere in the United States courts, to sign all papers which may be hereinafter filed, and to receive all communications.

Respectfully submitted,



Brian R. Gibbons
Attorney for Applicant

4/24/06

Date

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Answer

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CERTIFICATE OF SERVICE

I hereby certify that a true and accurate copy of the foregoing document is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Richard P. Stitt, Shughart, Thompson & Kilroy PC, Twelve Wyandotte Plaza, 120 W. 12th Street, Kansas City, MO 64105 this 24th day of April, 2006.



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