

ESTTA Tracking number: **ESTTA76261**

Filing date: **04/14/2006**

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

Proceeding	91170081
Party	Defendant Freehaven Investments Ltd. Freehaven Investments Ltd. Nisbetts Chambers P.O. Box 517 KNX Charlestown,
Correspondence Address	Thomas L. Kautz GrayRobinson, P.A. Suite 1850 401 East Las Olas Blvd. Ft. Lauderdale, FL 33301
Submission	Answer
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Date	04/14/2006
Attachments	Opposition.pdf ( 3 pages )

**UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEAL BOARD**

Red Wing Shoe Company, Inc.	)	
	)	Opposition No. 91170081
Opposer,	)	Mark: VAS
	)	Serial No.: 76/611,349
v.	)	
	)	
Freehaven Investments Ltd.	)	
	)	
Applicant.	)	
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**APPLICANT'S ANSWER TO NOTICE OF OPPOSITION**

Freehaven Investments Ltd., a company organized under the laws of St. Christ-Nevis, and having a place of business at Nevis Chambers, St. Christ-Nevis, by its undersigned attorneys, hereby submits its Answer to the Notice of Opposition filed by Opposer, Red Wing Shoe Company Inc., against U.S. Trademark Application Serial No. 76/611,349 for the mark VAS filed September 14, 2004 and published in the Official Gazette of August 23, 2005, as follows:

1. Applicant has no knowledge or information sufficient to form a belief as to the allegations of Paragraph 1 of the Notice of Opposition, and therefore denies same.
2. Answering Paragraph 2 of the Notice of Opposition, the allegations contained therein are admitted.
3. Answering Paragraph 3 of the Notice of Opposition, the allegations contained therein are admitted.
4. Applicant has no knowledge or information sufficient to form a belief as to the allegations of Paragraph 4 of the Notice of Opposition, and therefore denies same.

5. Applicant has no knowledge or information sufficient to form a belief as to the allegations of Paragraph 5 of the Notice of Opposition, and therefore denies same.

6. Answering Paragraph 6 of the Notice of Opposition, Applicant admits that the goods listed on U.S. Trademark Reg. No. 1,739,320 include boots, shoes, insoles and stockings. Applicant has no knowledge or information sufficient to form a belief as to the remaining allegations of Paragraph 6, and therefore denies same.

7. Answering Paragraph 7 of the Notice of Opposition, Applicant admits that U.S. Trademark Reg. Nos. 1,739,320; 2,691,365 and 926,919 were registered and recite a date of first use prior to Applicant's claimed date of first use and filing date. Applicant has no knowledge or information sufficient to form a belief as to the remaining allegations of Paragraph 7, and therefore denies same.

8. Applicant has no knowledge or information sufficient to form a belief as to the allegations of Paragraph 8 of the Notice of Opposition, and therefore denies same.

9. Answering Paragraph 9 of the Notice of Opposition, Applicant has no knowledge or information sufficient to form a belief as to allegations made in the first sentence of Paragraph 9, and therefore denies same. Applicant admits that its mark VAS is to be used in connection with insoles and shock absorbing insoles. All other allegations contained in Paragraph 9 are denied.

10. Answering Paragraph 10 of the Notice of Opposition, the allegations therein are denied.

11. Answering Paragraph 11 of the Notice of Opposition, Applicant admits that registration of its mark entitles it to have at least a prima facie exclusive right to use

of such mark in connection with insoles and shock absorbing insoles, but denies the remaining allegations of Paragraph 11.

**Affirmative Defenses**

12. On information and belief, there is no likelihood of confusion with respect to the Applicant's mark as used in connection with the goods recited in its application and the Opposer's mark.

13. On information and belief, there have been no instances of actual confusion between Applicant's mark and Opposer's mark during the period when both parties have sold their respective goods in commerce.

Applicant, in view of the foregoing, submits that there is no likelihood of confusion between the respective marks of the parties, and the Opposer will not be damaged by registration of the subject mark.

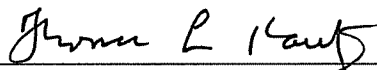
WHEREFORE, the Opposer prays that the Opposition be dismissed and the mark passed to allowance.

Respectfully submitted,

FREEHAVEN INVESTMENTS LTD.

By its Attorneys,

Date: 4/14/06

  
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