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

Proceeding	91172192
Party	Defendant Tommy Bartlett, Inc. Tommy Bartlett, Inc. 560 Dells Parkway Wisconsin Dells, WI 53965
Correspondence Address	ANDREW J. CLARKOWSKI AXLEY BRYNELSON 2 E MIFFLIN ST STE 200 MADISON, WI 53703-4269
Submission	Answer
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Date	09/12/2006
Attachments	00206029.pdf (4 pages)(114879 bytes)

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

In the Matter of Application:

Mark: THE GREATEST SHOW ON H2O
Applicant: Tommy Bartlett, Inc.
Serial No.: 78-667,242
Published: April 6, 2006

RINGLING BROS.-BARNUM & BAILEY
COMBINED SHOWS, INC.,

Opposer,

vs.

Opposition No. 91172192

TOMMY BARTLETT, INC.,

Applicant.

ANSWER TO NOTICE OF OPPOSITION

Applicant, Tommy Bartlett, Inc. ("Bartlett"), a Delaware corporation, located and doing business at 560 Dells Parkway, Wisconsin Dells, Wisconsin 53965, hereby answers the Notice of Opposition filed by Ringling Bros.-Barnum & Bailey Combined Shows, Inc. ("Ringling Bros.") as follows:

1. In answering paragraph 1 of the Notice of Opposition, Bartlett lacks knowledge or information sufficient to form a belief as to the allegations therein, and therefore denies the same.
2. In answering paragraph 2 of the Notice of Opposition, Bartlett lacks knowledge or information sufficient to form a belief as to the allegations therein, and therefore denies the same.

3. In answering paragraph 3 of the Notice of Opposition, Bartlett lacks knowledge or information sufficient to form a belief as to the allegations therein, and therefore denies the same.

4. In answering paragraph 4 of the Notice of Opposition, Bartlett admits the same.

5. In answering paragraph 5 of the Notice of Opposition, Bartlett denies the same.

6. In answering paragraph 6 of the Notice of Opposition, Bartlett admits it provides entertainment services, but denies that any such services create any likelihood of confusion or that the consuming public does or will likely believe there is an association between or sponsorship by Opposer with Applicant.

7. In answering paragraph 7 of the Notice of Opposition, Bartlett denies the same.

8. In answering paragraph 8 of the Notice of Opposition, Bartlett denies the same.

9. In answering paragraph 9 of the Notice of Opposition, Bartlett denies the same.

AFFIRMATIVE DEFENSES

10. Applicant adopted and begun using and marketing the service mark THE GREATEST SHOW ON H2O in association with water skiing entertainment shows since prior to 1970. Applicant therefore has at least thirty-six (36) years of established common law rights to its mark THE GREATEST SHOW ON H2O. Applicant's mark THE GREATEST SHOW ON H2O is well known in the water show business and has acquired secondary meaning in that marketplace.

11. Opposer's opposition is barred by the doctrines of waiver, estoppel, and /or laches.

12. Based on, among other things, the actual services offered by Applicant in association with the mark THE GREATEST SHOW ON H2O, there is no likelihood of confusion, mistake and/or deception with respect to Opposer's marks.

13. Any allegation in the Notice of Opposition not specifically addressed above is denied. Applicant reserves the right to raise other defenses which may arise during the course of discovery or otherwise in these proceedings.

RELIEF REQUESTED

WHEREFORE, Applicant respectfully requests that the opposition be denied; that Applicant's THE GREATEST SHOW ON H20 mark be allowed to register; and that Applicant be provided such other and further relief as may be allowed.

Dated this 12th day of September, 2006.

AXLEY BRYNELSON, LLP



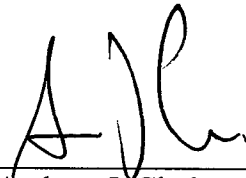
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CERTIFICATE OF SERVICE

Andrew J. Clarkowski, being first duly sworn on oath, deposes and says that he is an attorney in the offices of Axley Brynelson, LLP, Madison, Wisconsin; that on the 12th day of September, 2006, he served a true and correct copy of Applicant's Answer to Notice of Opposition filed electronically with the United States Patent and Trademark Office, Trademark Trial and Appeal Board, by the methods indicated:

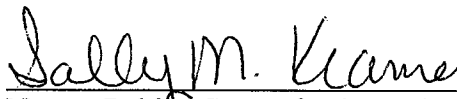
VIA E-MAIL AND U.S. MAIL:

Laura E. Goldbard
Strook & Stroock & Lavan LLP
180 Maiden Lane
New York, New York 10038-4982
lgoldbard@stroock.com



Andrew J. Clarkowski

Subscribed and sworn to before me
this 12th day of September, 2006.



Notary Public, State of Wisconsin
My Commission expires 12/20/09.

