ESTTA Tracking number: **ESTTA255235**

Filing date: **12/16/2008**

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

Proceeding	91174006
Party	Defendant Sonic Golf LLC
Correspondence Address	ARTHUR G. SCHAIER CARMODY & TORRANCE LLP PO BOX 1110 WATERBURY, CT 06721-1110 UNITED STATES tony.allen@sonicgolf.com
Submission	Other Motions/Papers
Filer's Name	Francis J. Duffin
Filer's e-mail	fduffin@wiggin.com, mquiles@wiggin.com, pbushnell@wiggin.com
Signature	/Francis J. Duffin/
Date	12/16/2008
Attachments	SONIC GOLF Response to Show Cause.pdf (7 pages)(220827 bytes)

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

The Basketball Club of Seattle, LLC,	:	
Opposer,	:	
	:	
v.	:	**Opposition No. 91174006**
	:	
Sonic Golf LLC	:	
Applicant.	:	

RESPONSE TO ORDER TO SHOW CAUSE

Applicant, Sonic Golf LLC, hereby responds to the Honorable Trademark Trial and Appeal Board's Order to Show Cause, mail dated December 9, 2008, as follows:

Applicant's failure to file an Answer was not intended to be a concession of Opposer's case or an indication that Applicant has lost interest in proceeding with its application or defending the subject opposition. Rather, Applicant's failure to file its Answer was a result of Applicant's earnest belief that earlier settlement discussions had been successful in bringing about an amicable resolution of the matter.

In this regard, Applicant notes that it's former counsel, Carmody and Torrance, had engaged in discussions with counsel for Opposer. Based on information provided by Applicant to current counsel, it was Applicant's understanding that these discussions had indeed resulted in terms that were mutually agreeable and Opposer's counsel was to withdraw the opposition. In this regard, Applicant's current counsel attaches a copy of an e-mail dated June 13, 2008, and a subsequent reminder message dated June 20, 2008, which were sent to counsel for Opposer at the e-mail address reflected in the PTO records. The subject message describes Applicant's understanding that the matter had been settled and inquiring about dismissal of the opposition.

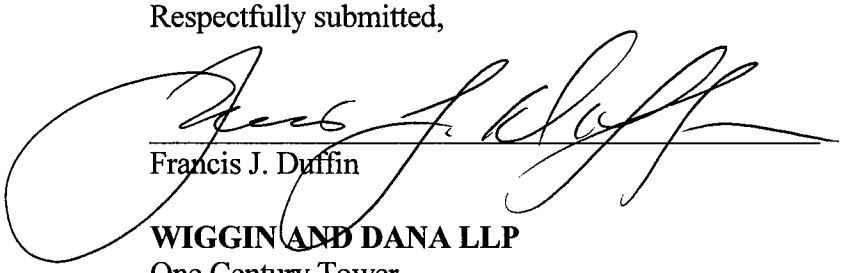
Applicant notes that no response was received to either message, and counsel docketed the matter for a six-month follow up (12/20/08).

While it is Applicant's understanding and earnest belief that mutually agreeable terms were reached between former counsel and counsel for Opposer, such that the matter has been resolved, Applicant nevertheless is filing its Answer herewith as further evidence that it has not in fact lost interest in its application or in defending the subject opposition.

For the foregoing reasons, Applicant respectfully submits that it has established good cause why judgment should not be entered against it, and respectfully requests that the Honorable Trademark Trial and Appeal Board vacate the Notice of Default issued in this matter.

Dated: December 16, 2008

Respectfully submitted,



Francis J. Duffin

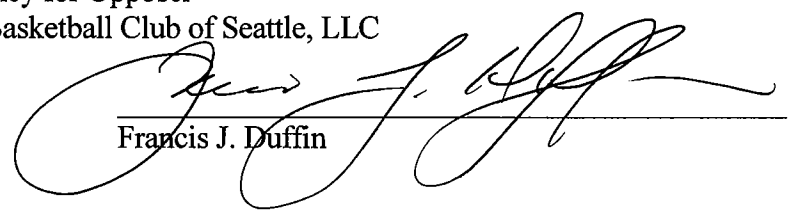
WIGGIN AND DANA LLP
One Century Tower
New Haven, Connecticut 06508-1832
(203) 498-4400
Attorneys for Applicant
Sonic Golf LLC

Attachments

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the foregoing Response to Order to Show Cause was served by first class mail, postage prepaid, on December 16, 2008 by mailing a copy to:

Anil V. George, Esq.
NBA PROPERTIES, INC.
Olympic Tower, 645 Fifth Avenue
New York, New York 10022
Attorney for Opposer
The Basketball Club of Seattle, LLC



Francis J. Duffin

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Duffin, Frank

From: Duffin, Frank
Sent: Friday, June 13, 2008 1:50 PM
To: 'IPGROUP@nba.com'
Subject: Trademark Opposition - The Basketball Club of Seattle v. Sonic Golf, LLC

***** FOR THE KIND ATTENTION OF ANIL V. GEORGE, ESQ. *****

Hello Mr. George,

I have just assumed responsibility for the trademark matters of Sonic Golf, LLC of Woodbridge, Connecticut. I quite candidly am working without files but have been advised by the client that the Seattle Sonics opposed the SONIC GOLF application, following which settlement discussions ensured and that the matter had been amicably resolved.

In reviewing the TTAB-view records, however, I do not see that the opposition has been dismissed. I am hoping, therefore, that you can provide me with some insight on the settlement that was reached. Obviously if there is anything that you need from Sonic Golf to get the opposition dismissed, please simply let me know and I will make sure you get what you need directly.

I thank you in advance for your assistance. If you have any questions or want to discuss this, please do not hesitate to call me at the direct dial number provided below.

Regards,

Frank

Frank Duffin
WIGGIN AND DANA LLP
One Century Tower
P.O. Box 1832
New Haven, Connecticut 06508-1832

P: 203.498.4347
F: 203.782.2889
E: fduffin@wiggin.com

Duffin, Frank

From: Duffin, Frank
Sent: Friday, June 20, 2008 9:53 AM
To: 'IPGROUP@nba.com'
Subject: Trademark Opposition - The Basketball Club of Seattle v. Sonic Golf, LLC

REMINDER - JUNE 20, 2008

***** FOR THE KIND ATTENTION OF ANIL V. GEORGE, ESQ. *****

Hello Mr. George,

I have just assumed responsibility for the trademark matters of Sonic Golf, LLC of Woodbridge, Connecticut. I quite candidly am working without files but have been advised by the client that the Seattle Sonics opposed the SONIC GOLF application, following which settlement discussions ensued and that the matter had been amicably resolved.

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Regards,

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E: fduffin@wiggin.com

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

The Basketball Club of Seattle, LLC,	:	**COPY**
Opposer,	:	
	:	
v.	:	**Opposition No. 91174006**
	:	
Sonic Golf LLC	:	
Applicant.	:	

APPLICANT'S ANSWER TO THE NOTICE
OF OPPOSITION PURSUANT TO 37 C.F.R. § 2.106

Sonic Golf, Inc., assignee of Sonic Golf, LLC, a Delaware corporation, with a business address at 33 Old Mill Road, Woodbridge, Connecticut 06525, through its attorneys Wiggin and Dana LLP, hereby answers the Notice of Opposition to Application Serial No. 78/645922, filed by The Basketball Club of Seattle, LLC as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth un numbered paragraph 1 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 un numbered paragraph 2 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 numbered paragraph 3 and, therefore, denies the same.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in numbered paragraph 4 and, therefore, denies the same.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth un numbered paragraph 5 and, therefore, denies the same.

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

7. Applicant admits that it is seeking registration for goods and services in International Classes 9, 25, 28 and 41. Applicant denies the rest and remainder of the allegations in numbered paragraph 7.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth un numbered paragraph 8 and, therefore, denies the same.

9. Admitted.

10. Denied

11. Denied

12. Denied.

AFFIRMATIVE DEFENSE

First Affirmative Defense

Opposer's Notice of Opposition, in whole or in part, fails to state a claim upon which relief may be granted.

Second Affirmative Defense

Opposer has no legal basis or standing for opposing Application Serial No. 78/645922.

WHEREFORE, Applicant, Sonic Golf, Inc., respectfully requests the Opposition be denied.

Date: December 16, 2008

Respectfully submitted,

WIGGIN AND DANA LLP

Francis J. Duffin
One Century Tower
P.O. Box 1832
New Haven, Connecticut 06508-1832
(203) 498-4400
Attorneys for Applicant, Sonic Golf, Inc.

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing Answer to Notice of Opposition Pursuant to 37 C.F.R. § 2.106 was served by mailing a copy to Anil V. George, Esq., NBA Properties, Inc., Olympic Tower, 645 Fifth Avenue, New York, New York 10022 attorney for Opposer by First Class Mail, postage prepaid, on December 16, 2008.

Francis J. Duffin
Attorney for Applicant

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