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

Proceeding	91180842
Party	Defendant Magellan Press, Inc.
Correspondence Address	ANTHONY V. LUPO ARENT FOX PLLC 1050 CONNECTICUT AVE NW WASHINGTON, DC 20036-5303 UNITED STATES
Submission	Answer
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Date	12/28/2007
Attachments	answer.pdf (4 pages)(93497 bytes)

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

MORRIS VISITOR :
PUBLICATIONS, LLC :
 :
Opposer, :
 :
v. :
 :
MAGELLAN PRESS, INC. :
 :
Applicant. :

Opposition No. 91180842

ANSWER TO NOTICE OF OPPOSITION

Applicant Magellan Press, Inc. (“Applicant”), in Answer to Opposer Morris Visitor Publications, LLC’s (“Opposer”) Notice of Opposition, hereby states as follows:

1. Applicant admits that according to United States Patent and Trademark records, Opposer’s pleaded Registration Nos. 730,450 and 2,280,351 have been assigned to Opposer and that Opposer’s pleaded application Ser. No. 77/329,265 was filed in the name of Opposer. Applicant is without sufficient knowledge or information to form a belief as to the remaining allegations in Paragraph 1.
2. Applicant admits the allegations in Paragraph 2 of the Notice of Opposition.
3. Applicant denies the allegations in Paragraph 3 of the Notice of Opposition.
4. Applicant denies Opposer’s allegations that the parties’ marks serve identical functions and cover the same type of content and that “it is easy for a consumer to become confused into believing that there is some affiliation, or endorsement of Applicant’s publication by Opposer.” Applicant is without sufficient knowledge or information to form a belief as to the

truth of the remaining allegations contained in Paragraph 4 of the Notice of Opposition, and therefore denies the allegations.

5. Paragraph 5 contains conclusions of law, to which no answer is required.
6. Applicant denies the allegations in Paragraph 6 of the Notice of Opposition.
7. Applicant denies the allegations in Paragraph 7 of the Notice of Opposition.
8. Applicant denies the allegations in Paragraph 8 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

Applicant hereby states the following for its Affirmative Defenses:

1. Opposer has failed to state a claim upon which relief may be granted.
2. Opposer's claims are barred by the doctrine of waiver.
3. Opposer's claims are barred by the doctrine of acquiescence.
4. Opposer's claims are barred by the doctrine of laches.
5. Opposer's claims are barred by the doctrine of estoppel.
6. Opposer's claims are barred by the fact that Opposer's alleged marks and

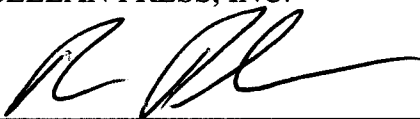
Applicant's mark coexisted for many years, and Applicant previously owned U.S. Registration No. 2,279,145 for WHERE THE LOCALS EAT in connection with a "series of restaurant and travel guides in book form" without objection from Opposer.

7. Opposer's alleged marks, as used by Opposer, are dilute, weak and entitled to only a narrow scope of protection and, thus, there is no likelihood of confusion between the parties' marks for distinguishable goods and services.

8. Applicant reserves the right to amend its answer and to assert additional defenses and/or supplement, alter or change its answer and defenses upon the discovery of more definitive facts and upon the completion of a continuing investigation and discovery.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed with prejudice.

MAGELLAN PRESS, INC.

By  _____

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Dated: 12/28/07

Attorneys for Applicant

CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION (re Opposition No. 91180842) has been served on Opposer's counsel Timothy E. Moses, Hull, Towill, Norman, Barrett & Salley, P.C., 801 Broad Street, Suite 700, Augusta, Georgia 30901, this 28th day of December 2007, marked first class mail postage prepaid.

