

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

Baxley

Mailed: September 3, 2008

Opposition No. **91184181**

World Wrestling Entertainment,
Inc.

v.

Stephen L. Theard

Andrew P. Baxley, Interlocutory Attorney:

Applicant filed an answer on August 29, 2008. A reading of this answer reveals, however, that it is argumentative and more in the nature of a brief on the case than a responsive pleading to the notice of opposition. As such, it does not comply with Rule 8(b) of the Federal Rules of Civil Procedure, made applicable this proceeding by Trademark Rule 2.116(a).

Fed. R. Civ. P. 8(b) provides, in part:

A party shall state in short and plain terms the party's defenses to each claim asserted and shall admit or deny the averments upon which the adverse party relies. If a party is without knowledge or information sufficient to form a belief as to the truth of an averment, the party shall so state and this has the effect of a denial. Denials shall fairly meet the substance of the averments denied. When a pleader intends in good faith to deny only a part or a qualification of an averment, the pleader shall specify so much of it as is true and material and shall deny only the remainder.

The notice of opposition filed by opposer herein consists of twenty paragraphs setting forth the basis of opposer's claims of damage. In accordance with Fed. R. Civ. P. 8(b) it was incumbent on applicant simply to answer the notice of opposition by admitting or denying the allegations contained in each paragraph. If applicant lacked sufficient knowledge or information on which to form a belief as to the truth of any one of the allegations, it should have so stated, which would have had the effect of a denial. However, rather than require applicant to file a new answer, the Board will treat his answer as a general denial of the allegations in the notice of opposition. See Fed. R. Civ. P 8(b).

The Board notes that, while Patent and Trademark Rule 10.14 permits any person to represent himself, it is generally advisable for a person who is not acquainted with the technicalities of the procedural and substantive law involved in an opposition proceeding to secure the services of an attorney who is familiar with such matters. The Patent and Trademark Office cannot aid in the selection of an attorney.

In defending this opposition, applicant should review the Trademark Rules of Practice, available online at <http://www.uspto.gov/web/offices/tac/tmlaw2.pdf>, and the Trademark Board Manual of Procedure, available online at <http://www.uspto.gov/web/offices/dcom/ttab/tbmp/index.html>.

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The Board expects all parties appearing before it, whether or not they are represented by counsel, to comply with the Trademark Rules of Practice and, where applicable, the Federal Rules of Civil Procedure.

Dates remain as last reset in the Board's July 29, 2008 order.