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

Proceeding	91191556
Party	Defendant Betty Rides Inc.
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Date	10/28/2010
Attachments	Answer to Notice of Opposition.PDF (5 pages)(193574 bytes)

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

ARCHIE COMIC PUBLICATIONS, INC. Opposer, v. BETTY RIDES, INC. Applicant.	Opposition No.: 91191556 Serial No.: 77/456,294 Mark: BETTY RIDES

ARCHIE COMIC PUBLICATIONS, INC. Petitioner, v. BETTY RIDES, INC. Registrant.	Cancellation No.: 92052562 Registration No.: 3,381,169 Mark: BETTY RIDES

APPLICANT BETTY RIDES, INC.'S ANSWER TO OPPOSER ARCHIE COMIC PUBLICATIONS, INC.'S THIRD AMENDED NOTICE OF OPPOSITION

Applicant Betty Rides, Inc. ("Betty Rides") answers the Third Amended Notice of Opposition ("Opposition") filed in this action by Opposer Archie Comic Publications, Inc. ("ACP") as follows:

1. Betty Rides denies that the alleged BETTY AND ME Registration No. 868222 is valid. Betty Rides lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 1 of the Opposition.

2. Betty Rides denies that the alleged BETTY AND ME Registration No. 868222 is incontestable. Betty Rides lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 2 of the Opposition.

3. ACP has defined "BETTY Marks" as a collection of alleged trademark registrations (many of which do not include the word BETTY and at least one of which has been cancelled). Consequently, paragraph 3 alleges that ACP uses registrations in commerce. It is unclear how a registration might be used in commerce as a registration is simply a document. Accordingly, Betty Rides lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Opposition.

4. As noted above, ACP has defined "BETTY Marks" as a collection of alleged trademark registrations (many of which do not include the word BETTY and at least one of which has been cancelled). Consequently, paragraph 4 alleges that ACP has used and uses certain unspecified registrations in commerce on certain unidentified goods. It is unclear how a registration might be used on goods. Thus, Betty Rides lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4 of the Opposition. Moreover, as the specific registration and goods are unidentified, the allegations of paragraph 4 have no meaning in the trademark context and for this further reason Betty Rides lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4 of the Opposition.

5. As noted above, ACP has defined "BETTY Marks" as a collection of alleged trademark registrations (many of which do not include the word BETTY and at least one of which has been cancelled). Consequently, paragraph 5 alleges that ACP has used those registrations in commerce on all of the goods listed in paragraph 5. It is unclear how a

registration might be used on goods. Moreover, the Board ordered ACP in its order of September 20, 2010, to state the goods which ACP currently sells in commerce under its alleged "BETTY Marks." Paragraph 5 does not state what marks are currently being used, merely stating potential past use. Therefore, this allegation must be taken to mean that there is no current use of the BETTY Marks on the listed goods. In any event, in view of this, Betty Rides lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5 of the Opposition.

6. Betty Rides admits that it seeks to register "BETTY RIDES" as a trademark for "helmets for sports; goggles for sports; snow probes for measuring snow depth" in Class 9, "backpacks" in Class18, and "snowboards; snowboard bindings" in Class 28. Betty Rides denies the remainder of the allegations in paragraph 6.

7. Betty Rides denies the allegations contained in paragraph 7 of the Opposition.

8. Betty Rides denies the allegations contained in paragraph 8 of the Opposition.

9. Betty Rides denies the allegations contained in paragraph 9 of the Opposition.

10. Betty Rides denies the allegations contained in paragraph 10 of the Opposition.

11. Betty Rides denies the allegations contained in paragraph 11 of the Opposition.

12. Betty Rides denies the allegations contained in paragraph 12 of the Opposition.

13. Betty Rides denies the allegations contained in paragraph 13 of the Opposition.

14. Betty Rides denies the allegations contained in paragraph 14 of the Opposition.

15. Betty Rides denies the allegations contained in paragraph 15 of the Opposition.

16. Betty Rides denies the allegations contained in paragraph 16 of the Opposition.

17. Betty Rides denies the allegations contained in paragraph 17 of the Opposition.

AFFIRMATIVE AND OTHER DEFENSES

Further answering the Third Amended Notice of Opposition, Applicant Betty Rides, Inc., asserts the following defenses and reserves the right to amend its Answer with additional defenses as additional information is obtained.

FIRST AFFIRMATIVE DEFENSE

The Opposition is barred by the equitable doctrines of estoppel and/or acquiescence.

PRAYER FOR RELIEF

WHEREFORE, Applicant requests a judgment dismissing Opposer's Third Amended Notice of Opposition in this proceeding in its entirety with prejudice, and that Applicant's application for the mark BETTY RIDES, Serial No. 77/456,294, be registered to Applicant.

Dated: October 28, 2010

Respectfully submitted,

BETTY RIDES, INC.

By: _____

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on October 28, 2010, the foregoing **APPLICANT BETTY RIDES, INC.'S ANSWER TO OPPOSER ARCHIE COMIC PUBLICATIONS, INC.'S THIRD AMENDED NOTICE OF OPPOSITION** was served on Opposer's Attorneys, by email and first class mail, to:

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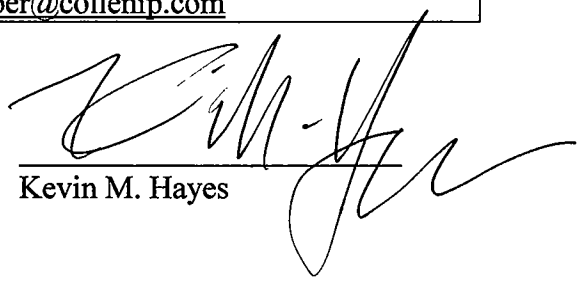

Kevin M. Hayes