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Filing date: **04/26/2010**

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

Proceeding	91194146
Party	Defendant ZF Sachs AG
Correspondence Address	ZF Sachs AG Ernst-Sachs-Strasse 62 97424 Schweinfurt, FED REP, GERMANY
Submission	Answer
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Date	04/26/2010
Attachments	Answer.pdf (5 pages)(134100 bytes)

UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD

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RIDEVEHICLES LLC, :
 :
 Opposer, :
 :
 v. : Oppn. No. 91194146
 :
 ZF SACHS AG, : Appn. No. 79/074,270
 :
 Applicant. :
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ANSWER

Applicant ZF Sachs AG ("Applicant"), through its attorneys Cohen Pontani Lieberman & Pavane LLP, hereby responds to the Notice Of Opposition ("Opposition") of RideVehicles LLC ("Opposer") as follows:

1. Responding to paragraph 1 of the Opposition, Applicant ZF Sachs AG denies that its name is "ZF Sachs AG Corporation", and admits the truth of the remaining allegations of paragraph 1.

2. Responding to paragraph 2 of the Opposition, Applicant admits that the electronic database records of the USPTO state that registration No. 3,633,615 of the trademark RIDE & Design was registered in the USPTO on the Principal Register to RideVehicles LLC on June 9, 2009 for "motorized, electric-powered, self-propelled, self-balancing, stand-up wheeled personal mobility, transportation device" in International Class 012, and that registration No. 3,633,615 contains a disclaimer of exclusive rights in the word "RIDE". Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 2 and therefore denies the same.

3. Responding to paragraph 3 of the Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3 and therefore denies the same.

4. Responding to paragraph 4 of the Opposition, Applicant admits that the date January 24, 2007 is prior to the USPTO-assigned August 14, 2009 filing date of Applicant's intent-to-use-based application Serial No. 79/074,270 of "EcoRide". Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 4 and therefore denies the same.

5. Responding to paragraph 5 of the Opposition, Applicant denies the allegations of paragraph 5.

6. Responding to paragraph 6 of the Opposition, Applicant admits that the electronic database records of the USPTO state that the goods of registration No. 3,633,615 of Ride & Design have been classified in International Class 012, and admits that Applicant's application No. 79/074,270 was filed under Section 66(a) as a Madrid Protocol request for extension of protection of Applicant's International Registration No. 1016956 for goods classified in International Class 012. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 6 and therefore denies the same.

7. Responding to paragraph 7 of the Opposition, Applicant admits that in *In re West Point-Pepperell, Inc.*, 468 F.2d 200, 175 USPQ 558 (CCPA 1972), the CCPA stated that "The issue under §2(d) is not whether people will confuse the marks but whether the marks will confuse people". (175 USPQ at 559) Applicant otherwise denies the allegations of paragraph 7.

8. Responding to paragraph 8 of the Opposition, Applicant denies the allegations of paragraph 8.

AFFIRMATIVE DEFENSES

First Affirmative Defense

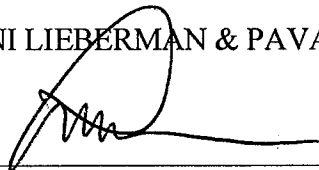
According to the Assignment records of the USPTO, the entire right and interest of Opposer in Registration No. 3,633,615, upon which Opposer's purported rights and grounds for opposition are based in this Opposition, were assigned and transferred by Opposer to Apt Ride Vehicles, Inc. on July 14, 2009, which is prior to the March 12, 2010 filing date of this Opposition. Thus, at the filing of this Opposition, Opposer lacked standing to state the claims set forth in the Opposition, and Opposer presently lacks standing to maintain the claims set forth in the Opposition.

WHEREFORE, Applicant requests that Opposition No. 91194146 be dismissed with prejudice in favor of Applicant and that a Notice of Allowance issue with respect to Application Serial No. 79/074,270.

Dated: April 26, 2010

COHEN PONTANI LIEBERMAN & PAVANE LLP

By: _____

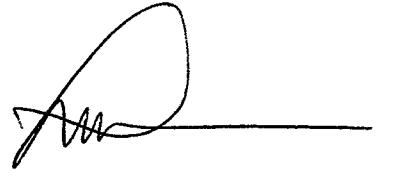

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CERTIFICATE OF ELECTRONIC FILING

I hereby certify that on this day a copy of the foregoing ANSWER is being electronically filed with the United States Patent and Trademark Office, Trademark Trial and Appeal Board at <http://estta.uspto.gov/>.

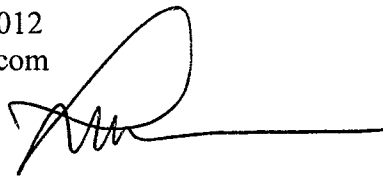
Date: April 26, 2010

A handwritten signature in black ink, consisting of a large, stylized initial 'A' followed by several loops and a horizontal line extending to the right. The signature is positioned above a solid horizontal line that spans the width of the signature area.

CERTIFICATE OF SERVICE

I hereby certify that, on this day, I caused to be served by electronic e-mail and by U.S. Mail, postage prepaid, upon Opposer at its record correspondence address, copies of the foregoing ANSWER, addressed and directed as follows:

RideVehicles LLC.
3991 Camino Ranchero
Camarillo, CA 93012
mike@calmotors.com

A handwritten signature in black ink, consisting of a large, stylized initial 'M' followed by a horizontal line extending to the right.

April 26, 2010