

ESTTA Tracking number: **ESTTA1029938**

Filing date: **01/20/2020**

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

| | |
|---------------------------|---|
| Proceeding | 91252820 |
| Party | Defendant Samuel Ryder, Ltd. |
| Correspondence Address | PAUL W. KRUSE BONE MCALLESTER NORTON PLLC 511 UNION STREET SUITE 1600 NASHVILLE, TN 37219 UNITED STATES trademarks@bonelaw.com 615-238-6304 |
| Submission | Answer |
| Filer's Name | Paul W. Kruse |
| Filer's email | trademarks@bonelaw.com |
| Signature | /Paul W. Kruse/ |
| Date | 01/20/2020 |
| Attachments | Answer-01-20-20 Proceeding No. 91252820.PDF(24279 bytes) |

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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|---|---|-------------------------|
| The Professional Golfers' Association of America, |) | |
| |) | |
| Opposer, |) | |
| |) | Opposition No. 91252820 |
| v. |) | |
| |) | Ser. No. 88517275 |
| Samuel Ryder, Ltd., |) | |
| |) | |
| Applicant. |) | |
| |) | |
| Attorney Ref. No. 012658-60808 |) | |

ANSWER

Box TTAB NO FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

Sir:

Samuel Ryder, Ltd. (hereinafter Applicant), through its undersigned attorney, hereby answers the notice of opposition of The Professional Golfers' Association of America (hereinafter Opposer) as follows:

BACKGROUND

Applicant is the custodian of the goodwill associated with the well-known individual, Samuel Ryder, in the UK, Europe, the US and worldwide. Samuel Ryder was a businessman, philanthropist, sportsman and benefactor responsible for donating a trophy for an internationally recognized golf event named after the trophy he gifted. Applicant, which is managed by the family of Samuel Ryder, has been responsible for the safeguarding of the legacy of Samuel

Ryder by protecting, maintaining and preventing the misuse of intellectual property related to his name, image and likeness and by promoting charitable initiatives, philanthropic ventures and commercial partnerships. These initiatives, ventures and partnerships have involved various sporting events, activities and related goods and were arranged by or in collaboration with the Applicant with the aim of maintaining the integrity and heritage of an association with the name Samuel Ryder.

Applicant and Opposer, or persons connected with Opposer, have been known to each other for some time. During 2018-19, Applicant approached Opposer's counterparts in the UK and Europe, with the intention to promote further collaboration and cooperation in respect of the intellectual property associated with Samuel Ryder. It was outlined from the start of discussions with Opposer's counterparts in Europe, that Applicant was the owner of rights in the mark SAMUEL RYDER and furthermore Opposer's counterparts in the UK, were fully aware that Applicant intended to secure registered rights pertaining to a family of intellectual property that Opposer has acted as custodian of for many years.

Opposer does not own any intellectual property in the name SAMUEL RYDER and has never sought to own this intellectual property in full knowledge that the personal intellectual property related to the man behind the Ryder Cup fell outside of the scope of its rights. To the extent that the Ryder Cup is known, this recognition does not extend beyond generic references to a specific trophy (commonly identified by the term CUP) that is awarded to the winners of a golf tournament operated under a prescribed formula and format between the same protagonists. On the other hand, the name SAMUEL RYDER is connected to a named individual and Applicant is the custodian of the rights connected to this name.

I. THE PARTIES

1. Admitted.
2. Admitted.
3. Admitted.

II. THE PARTIES MARKS

A. Opposer's RYDER CUP Marks

4. Applicant is without sufficient information to either admit or deny the allegations set forth in paragraph 4 and therefore denies the same.

5. Applicant is without sufficient information to either admit or deny the allegations set forth in paragraph 5 and therefore denies the same.

6. Applicant is without sufficient information to either admit or deny the allegations set forth in paragraph 6 and therefore denies the same.

7. Applicant is without sufficient information to either admit or deny the allegations set forth in paragraph 7 and therefore denies the same.

B. Applicant's SAMUEL RYDER Mark

8. Admitted.
9. Admitted.
10. Admitted.
11. Admitted.

III. GROUNDS FOR OPPOSITION

A. Likelihood of Confusion

12. Denied.

13. a) **The Marks are Similar in Sight, Sound and Appearance**
Denied.
- b) **Strength of Opposer's RYDER CUP Marks**
Denied.
- c) **Similarity of the Parties' Goods and Services**
Denied.
- d) **Nature of the Purchasers**
Denied.
- e) **Unrestricted Channels of Trade**
Denied.
- f) **Applicant is not Entitled to Register "Ryder" Even If It Is Applicant's Name**
Denied.
- g) **Intent**
Denied.

B. Dilution

14. Denied.

15. Denied.

16. Denied.

C. False Association

17. Denied.

18. Denied.

19. Denied.

WHEREFORE, Applicant respectfully requests that the notice of opposition be denied in its entirety.

Please direct all communications to the undersigned at (615) 238-6300 or trademarks@bonelaw.com.

Samuel Ryder, Ltd.

A handwritten signature in black ink, appearing to be 'P. Kruse', written over a horizontal line.

By: _____

Name: Paul W. Kruse

Title: Attorney

Date: January 20, 2020

Submitted by:

Bone McAllester Norton PLLC
511 Union Street
Suite 1600
Nashville, Tennessee 37219

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on Applicant's attorneys, Robert L. Horton, Esq. with an address at Arnold Porter Kaye Scholer LLP, 601 Massachusetts Ave., NW IP Docketing, Washington, Dc 20001, via first class mail, postage prepaid, today January 20, 2020.

A handwritten signature in black ink, appearing to be 'P. Kruse', written over a horizontal line.

By: _____
Paul W. Kruse