

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

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All Things Moose LLC :
Opposer, :
v. :
Krafti, Inc. :
Applicant. :
-----X

Cancellation No. 91169528

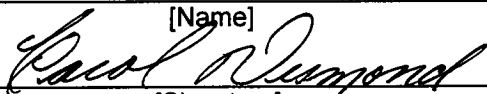
Serial No. 78/413,171

CERTIFICATE OF EXPRESS MAILMailing Label No.: ED 559508635Date of Deposit: April 10, 2006

I hereby certify that this correspondence is being deposited with the United States Postal Service Express Mail Post Office to Addressee service under C.F.R. 1.10 on the date indicated above and is addressed to: U.S. Patent and Trademark Office, Trademark Trial and Appeal Board, Madison East, Concourse Level, Room C55, 600 Dulany Street, Alexandria, VA 22314.

Carol Desmond

[Name]



[Signature]

ED559508635US

ANSWER TO NOTICE OF OPPOSITION

Sir:

The Applicant, Krafti, Inc., by its attorney, in response and in answer to the Notice of Opposition of All Things Moose LLC denies and alleges as follows:



Preamble Paragraph Of Petition to Cancel:

Applicant, Krafti, Inc., denies each and every allegation and averment of the Notice of Opposition, except as expressly admitted or otherwise denied as set forth herein below; and regarding the preamble paragraph of the Opposition denies that Opposer is and will continue to be damaged by pending Serial No. 78/565,918 as filed on February 11, 200 for the mark, **THE BLACK MOOSE**.

1. Applicant admits to filing the above-identified pending Serial No. 78/413,171 for registration of the mark **THE BLACK MOOSE** on February 11, 2005 in International Classes 25 and 35 with respect to the following goods and services:

- *clothing, namely, aprons, bathing caps, bathing suits, bathing trunks, bathrobes, beach cover-ups, bed jackets, blouses, bottoms, boxer shorts, bras, briefs, costumes, coveralls, dresses, dungarees, slippers, gym shorts, hats, hosiery, jeans, knit shirts, lounge wear, lingerie, night gowns, night shirts, overalls, pajamas, panties, pants, play suits, robes, shirts, shoes, shorts, shower caps, skirts, sleep wear, sleep masks, socks, sweat suits, sun suits, sweaters, sweat t-shirts, tank tops, trousers, underpants, undershirts, underwear; accessories, namely, bandanas, belts, neckwear, scarves, suspenders, ties and wrist bands; footwear, namely, boots, clogs, sandals, shoes, slippers; head wear, namely, caps, earmuffs, hats, headbands, visors; infant wear; outerwear, namely, coats, jackets, shawls, vests*
- *advertising and business, namely, dissemination of advertising matter; mail order services, on-line retail store services; retail store and wholesale distributorships all featuring wearing apparel and accessories*

2. Applicant admits that the Application was based on Section 1[b] of the Trademark Act of 1946, as amended [15 U.S.C. § 1051 *et seq.*] ["Act"], claiming a *bona fide* intent to use the trademark in commerce. The Application was published in the *Official Gazette* dated January 24, 2006.
3. Applicant is without knowledge or information sufficient to form a basis as to the truth of the allegation contained in Paragraph #3, and therefore denies same.
4. As to paragraph #4, Applicant is without sufficient knowledge and information to form a basis therein, and thus, denies the allegations contained therein, leaving the Opposer to its strict proof at the trial of this cause.
5. Applicant is without knowledge or information sufficient to form a basis as to the truth of the allegation contained in Paragraph #5, and therefore denies same.
6. Applicant is without knowledge or information sufficient to form a basis as to the truth of the allegation contained in Paragraph #6, and therefore denies same.
7. Applicant is without knowledge or information sufficient to form a basis as to the truth of the allegation contained in Paragraph #7, and therefore denies same.
8. Applicant is without sufficient knowledge and information to form a basis therein, and thus, denies the allegations contained therein, leaving the Opposer to its strict proof at the trial of this cause.
9. Applicant is without sufficient knowledge and information to form a basis therein, and thus, denies the allegations contained therein, leaving the Opposer to its strict proof at the trial of this cause.
10. Applicant is without knowledge or information sufficient to form a basis as to the truth of the allegation contained in Paragraph #10, and therefore denies same.

11. Applicant admits that issuance of a registration will give certain statutory rights in accordance with 15 U.S.C. 10576[b], but denies the allegations of paragraph #11 of the Notice of Opposition that such registration would be a source of damage and injury to the Opposer.

AFFIRMATIVE DEFENSES

First Defense:


The use of **THE BLACK MOOSE** by All Things Moose, LLC has not met the criteria of the Lanham Act since the Opposer has not shown prior trademark use as early as May 2003.

Second Defense:

Krafti, Inc. has used the above-referenced mark on or in connection with goods and services with respect to International Classes 25 and 35 and has invested in the continued commercial use and economic promotion of the mark over a prolonged period of time as early as May 2003.

In view of the foregoing, Applicant contends that this Opposition is groundless and baseless in fact; that Opposer has not shown wherein it will be, or is likely to be damaged by the registration of Applicant's trademark. Applicant requests that the Notice of Opposition be dismissed and the Applicant be granted rightful registration of its trademark.

Respectfully submitted,

By: 
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Greenwich, CT 06831
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Attorney for Applicant

Dated: April 10, 2006

CERTIFICATE OF SERVICE

The person whose signature appears below confirms that the attached document, **ANSWER TO**

NOTICE OF OPPOSITION, has been transmitted by Express Mail to:

MCLANE, GRAF, RAULERSON & MIDDLETON, P.A.

900 Elm Street

P.O. Box 326

Manchester, New Hampshire 03105-0326

Attention: Mark A. Wright

on this 10th Day of April 2006.