

AFFIRMATIVE DEFENSES

5. Applicant affirmatively alleges that there is no likelihood of confusion, mistake, or deception, because applicant's mark and the opposer's mark are not confusingly similar.

6. Applicant further affirmatively alleges that as a result of its continuous substantial usage of its mark HONEYBUNS, such mark is a valuable asset of applicant and carries considerable goodwill and consumer acceptance of its products sold under such mark. Such goodwill and widespread usage have made the mark distinctive to applicant.

7. Applicant further affirmatively alleges that the element common to its mark and the opposer's mark, namely, the word BUNS, has been used in connection with goods in many fields, including the field of apparel, as illustrated in the following list of registrations, and due to such use the word BUNS is not subject to exclusive appropriation by the opposer or anyone.

<u>Reg. No.</u>	<u>Mark</u>	<u>Goods/Services</u>	<u>Owner</u>
2,128,939	FROSTY BUNS RUNNING CLUB and Design	Clothing, namely, T-shirts, sweatshirts, shirts, jackets, pants and headwear	Robert J. Moeller
2,047,332	BABY BUNS	Infants clothing, namely, jogging sets consisting of tops and bottoms, diaper sets consisting of tops and bottoms, and short sets consisting of tops and bottoms	Baby Buns, Inc.
1,648,198	HOT BUNS (Stylized)	Outer garment that attaches to waist and legs of wearer to protectively cover wearer's lower backside	Ican Ltd.
2,145,580	BUN BOY	Men's underwear, T-shirts, gym shorts, sweat pants, tank tops, sweatshirts, pants, jeans and workout clothing, namely, body suits, leotards, warm-up suits, socks, and exercise leggings	Robert W. Wheeler

<u>Reg. No.</u>	<u>Mark</u>	<u>Goods/Services</u>	<u>Owner</u>
1,632,407	TOP BUN	Shirts and hats	Schlotszky's Inc.
1,306,226	SWEET WILLIE BUNS	Dolls and accessories therefore and doll clothing	Beverly Jean Mack
1,328,718	SWEET BABY BUNS	Toys-namely, dolls and accessories therefore and doll clothing	Beverly Jean Mack
2,195,571	BUNGAY JAR	Clothing, namely, T-shirts, knit shirts and sleepwear	Lee A. Strembeck and Kathleen Kerivan
2,116,087	BUNDANNA	Clothing, namely, swimsuit wraps, cover- ups, and skirts	Katherine Giffin, dba Bundanna
1,998,486	HUGABUN	Clothing, namely, loin- cloth like aprons, each with front and rear panels	Intertech Corporation

WHEREFORE, applicant prays that the Notice of Opposition be dismissed in its entirety, and that a registration issue to applicant for its mark.

Respectfully submitted,

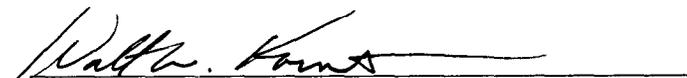
KOLISCH, HARTWELL, DICKINSON
McCORMACK & HEUSER



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CERTIFICATE OF MAILING

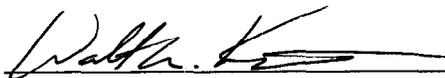
I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Assistant Commissioner for Trademarks, **Box TTAB NO FEE**, Arlington, Virginia 22202-3513 on April 5, 2002.



Walter W. Karnstein
Date of Signature: April 5, 2002

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served on opposer by service on its attorney, Neil F. Martin, Esq. of the firm Brown, Martin, Haller & McClain LLP of 1660 Union Street, San Diego, California 92101, by mailing same via first class mail, postage prepaid, in an envelope to the aforementioned address on this 5th day of April, 2002.



Walter W. Karnstein
of Attorneys for Applicant