

UNITED STATES PATENT AND TRADEMARK OFFICE

THE TRADEMARK TRIAL AND APPEAL BOARD

In re trademark application serial no.: 76295565
Filed: August 6, 2001
For the mark: ADELANTE HISPANIC
MARKETING A DIVISION OF GEORGES
DIRECT
Published in the Official Gazette on March 19, 2002

U.S. Patent & TMO/c/TM Mail Rcpt. Dt. #57



09-13-2002

DGWB, Inc.

Petitioner

Georges Direct, Inc.

Respondent.

OPPOSITION FILE NO. 91151728

**ANSWER TO PETITION FOR
OPPOSITION TO REGISTRATION**

Georges Direct, Inc. ("Applicant"), a North Carolina corporation, whose business address is 617 West Jones Street, Raleigh, North Carolina 27603, answering the Notice of Opposition of DGWB, Inc. ("Opposer"), acting by and through its counsel, alleges and says that:

FIRST DEFENSE

Applicant responds to the numbered paragraphs of the Notice of Opposition as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the allegations of paragraph 1 and accordingly denies the same.
2. Applicant lacks knowledge or information sufficient to form a belief as to the allegations of paragraph 2 and accordingly denies the same.
3. Applicant lacks knowledge or information sufficient to form a belief as to the allegations of paragraph 3 and accordingly denies the same.
4. Applicant lacks knowledge or information sufficient to form a belief as to the allegations of paragraph 4 and accordingly denies the same.

5. The first and third sentences of paragraph 5 are denied. Applicant lacks knowledge or information sufficient to form a belief as to the allegations of the second sentence, and accordingly denies the same.

6. The allegations contained in the first sentence of paragraph 6 are admitted. The allegations contained in the second sentence of paragraph 6 are denied.

7. Applicant lacks knowledge or information sufficient to form a belief as to the allegations of paragraph 7, and accordingly denies the same.

8. Applicant lacks knowledge or information sufficient to form a belief as to the allegations of paragraph 8, and accordingly denies the same.

9. Applicant lacks knowledge or information sufficient to form a belief as to the allegations of paragraph 9, and accordingly denies the same.

10. Applicant lacks knowledge or information sufficient to form a belief as to the allegations of paragraph 10, and accordingly denies the same.

11. The allegations of paragraph 11 are denied.

12. Applicant lacks knowledge or information sufficient to form a belief as to the allegations of the first sentence of paragraph 12, and accordingly denies the same. The allegations contained in the second sentence of paragraph 12 are denied.

SECOND DEFENSE

13. The allegations of paragraphs 1 through 12 are incorporated herein by reference.

14. Applicant has expended substantial sums of time, money, and effort in advertising, promoting, developing, and popularizing its mark "ADELANTE HISPANIC MARKETING A DIVISION OF GEORGES DIRECT" as a trademark such that the members of

the trade, and public have come to associate the usage of that mark as services originating with Applicant only.

15. Prior to the filing of the trademark application with the United States Patent and Trademark Office (Serial No. 76295565) (the "Registration"), Applicant hired a professional firm to conduct a comprehensive search of the use of the "Adelante" name, including federal and state trademark registrations. This search did not reveal any conflicting registrations of the name "Adelante."

16. Prior to filing such application, Applicant operated for a number of years in numerous states in the United States, and had never previously encountered the name "Adelante" in the advertising industry, nor had Applicant encountered the name in its numerous contacts and involvements with trade associations in the Hispanic marketing community.

17. Employees of Applicant are either members or active participants in numerous advertising and marketing associations involved with Hispanic advertising, and have never encountered the name "Adelante" in any such associations.

18. Employees of Applicant have spoken at several conferences, workshops, and seminars sponsored by chambers of commerce and associations involved with Hispanic marketing, and never previously encountered the name "Adelante" in such activities.

19. On the basis of this due diligence, Applicant reasonably concluded that no person or entity was using the mark "ADELANTE" in interstate commerce continuously prior to the time it first began using the mark "ADELANTE HISPANIC MARKETING A DIVISION OF GEORGES DIRECT" and prior to filing the Registration.

THIRD DEFENSE

20. The allegations of paragraphs 1 through 19 are incorporated herein by reference.

21. The mark "ADELANTE HISPANIC MARKETING A DIVISION OF GEORGES DIRECT" is not similar to the mark "ADELANTE" and is not confusing to the public or members of the trade.

This the 13th day of September, 2002.

PARKER, POE, ADAMS & BERNSTEIN, L.L.P.

By: Stephen D. Lowry
STEPHEN D. LOWRY

Attorneys for Applicant, Georges Direct, Inc.

CERTIFICATE OF MAILING

I hereby certify that this document is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service (Express Mail label numbers ET923810045US and ET923810037US), on the date indicated below, addressed to:

Assistant Commissioner for Trademarks
Box TTAB/FEE
2900 Chrystal Drive
Arlington, VA 22202-3513

S. Daniel Harbottle
Rutan & Tucker, LLP
611 Anton Blvd., Suite 1400
Costa Mesa, CA 92626

This the 13th day of September, 2002.



Stephen D. Lowry
Attorney for Applicant

Flab

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September 13, 2002

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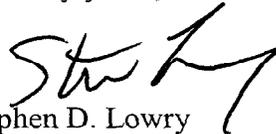
Assistant Commissioner for Trademarks
Box TTAB/FEE
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Arlington, VA 22202-3513

RE: Opposition File No. 91151/728
Answer of Applicant

Dear Sir or Madam:

Enclosed please find the Answer to Petition for Opposition to Registration filed by Georges Direct, Inc. Also enclosed is a Stipulation for Extension of Time to file the answer signed by counsel for both Opposer and Applicant. If you have any questions, please contact the undersigned.

Sincerely yours,


Stephen D. Lowry

SDL:rmk

Enclosures

CHARLOTTE, NC
COLUMBIA, SC
SPARTANBURG, SC