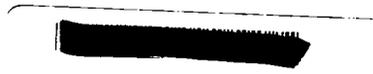


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Trademark Application Serial No. 78/206,862
For the mark KAYLA KLEEVAGE
Published in the *Official Gazette* on October 7, 2003



11-26-2003

Patent & TMO/TM Mail Rpt Dt. #22

_____)
Kathryn Shaffer,)
)
Opposer,)
)
v.)
)
Kleevco Productions)
)
Applicant.)
_____)

Opposition No. 91158169

Answer to Notice of Opposition

ANSWER TO NOTICE OF OPPOSITION

KLEEVCO PRODUCTIONS, by and through its undersigned counsel, hereby answers the Notice of Opposition of Kathryn Shaffer as follows:

RESPONSES TO NUMBERED ALLEGATIONS

1. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 1 of the Notice of Opposition and, on that basis, denies the same.
2. Applicant admits that Exhibit A purports to show the name "Kat Kleevage" on an Internet web page. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations of Paragraph 2 of the Notice of Opposition and, on that basis, denies the same.

In the Matter of Trademark Application Serial No. 78/206,862
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3. Applicant admits that a U.S. trademark application for the mark KAT KLEEVAGE was filed on September 8, 2003. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the remaining allegations of Paragraph 3 of the Notice of Opposition and, on that basis, denies the same.

4. Applicant admits that Exhibit B shows that one definition of "cleavage" in *The American Heritage Dictionary, Second College Edition* is "the separation between a woman's breasts." Applicant denies the remaining allegations of Paragraph 4 of the Notice of Opposition.

5. Applicant admits that Exhibit C purports to show that "cleavage" is used on web sites. Applicant admits that Exhibit D purports to show that "Kleevage" is used on web sites. Applicant admits that Exhibit E purports to show that "Kleevage" is used on web sites. Applicant admits that Exhibit F purports to show that "Kleevage" is used on web sites. Applicant admits that Exhibit F purports to show that "Kleevage" is used on web sites. Applicant denies the remaining allegations of Paragraph 5 of the Notice of Opposition.

6. Applicant denies the allegations of Paragraph 6 of the Notice of Opposition.

7. Applicant denies the allegations of Paragraph 7 of the Notice of Opposition.

APPLICANT'S FIRST AFFIRMATIVE DEFENSE: SECONDARY MEANING

8. Applicant commenced use in commerce of the mark KAYLA KLEEVAGE for "personal appearances by a celebrity adult entertainer" in or before 1991.

9. Applicant commenced use in commerce of the mark KAYLA KLEEVAGE for "providing live adult entertainment pictures and performances via the web" in or before 1996.

In the Matter of Trademark Application Serial No. 78/206,862
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10. Applicant's use in commerce of the mark for personal appearances by a celebrity adult entertainer and providing live adult entertainment pictures and performances via the web has been substantially exclusive and continuous since the dates commenced.

11. If the mark KAYLA KLEEVAGE is deemed merely descriptive, and without admitting that the mark KAYLA KLEEVAGE is merely descriptive, Applicant is entitled to registration of the mark under 15 U.S.C. section 1052(f).

WHEREBY, Applicant, by and through its attorneys, respectfully requests that this opposition be denied and the application filed by Applicant be allowed to register.

Respectfully submitted,

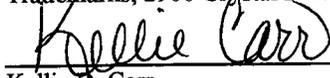
ANDERSON & MORISHITA

Dated: November 26, 2002

By: _____


Robert Ryan Morishita
2725 S. Jones Blvd., Suite 102
Las Vegas, NV 89146.
(702) 222-2113

I hereby certify that this correspondence is being deposited with the United States Postal Service as Express Mail P.O. to Addressee No. ER627385884US in an envelope addressed to: Box TTAB, Assistant Commissioner of Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513, on November 26, 2002

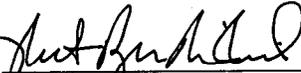

Kellie D. Carr

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Certificate of Service

I hereby certify that a true and correct copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served on attorneys for Opposer on November 26, 2003 by First Class Mail, postage prepaid, as follows:

Scott W. Kelley
Kelly Bauersfeld Lowry & Kelley, LLP
6320 Canoga Ave., Suite 1650
Woodland Hills, CA 91367



Robert Ryan Morishita
Attorney for Applicant



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TTAB

ROBERT RYAN MORISHITA
Registered Patent Attorney
Utah and Nevada Bars

November 26, 2003

Box TTAB
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

11-26-2003

U.S. Patent & TMO/TM Mail RptDt. #22

Re: Opposition No. 91158169, Application Ser. No. 78/206,862

Dear Sir:

Enclosed for filing are two copies (one original and one copy) of an Answer to Notice of Opposition with regard to the above referenced trademark opposition. Also enclosed is a postcard confirming receipt of the enclosures.

Respectfully Submitted,

Robert Ryan Morishita
Attorney for Opposer

I hereby certify that the foregoing documents are being deposited with the United States Postal Service on November 26, 2003, Express Mail Post Office to Addressee No. EU627385884US, with sufficient postage affixed thereto, addressed to the Box TTAB, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513.

Kellie D. Carr