

ESTTA Tracking number: **ESTTA26910**

Filing date: **02/25/2005**

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

<b>Proceeding</b>	91163070
<b>Party</b>	Defendant CBR Incorporated CBR Incorporated 2040 St. Clair Avenue St. Paul, MN 55105
<b>Correspondence Address</b>	CBR INCORPORATED 2040 SAINT CLAIR AVE SAINT PAUL, M 55105-1650  doris.yock@leonard.com
<b>Submission</b>	Answer
<b>Filer's Name</b>	Doris E. Yock, Leonard, Street and Deina
<b>Filer's e-mail</b>	doris.yock@leonard.com
<b>Signature</b>	/Doris E Yock/
<b>Date</b>	02/25/2005
<b>Attachments</b>	Answer.pdf ( 3 pages )

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

In the matter of Trademark Application Serial No. 76-298,204  
For the mark LUCKY GIRL  
Published in the *Official Gazette* on June 29, 2004

LUCKY BRAND DUNGAREES, INC. ,	)	
	)	
vs.	)	<b>Opposition No. 91163070</b>
	)	
CBR INCORPORATED,	)	
	)	
Applicant.	)	

TO: Commissioner for Trademarks, P. O. Box 1451, Alexandria, VA 22313-1451; and  
David B. Kirschstein, Kirschstein, Ottinger, Israel & Schiffmiller, P.C., Legal Counsel  
for Opposer, 489 Fifth Avenue, New York, NY 10017-6105

**ANSWER**

COMES NOW Applicant, CBR Incorporated ("Applicant"), and for its Answer to the  
Notice of Opposition by Lucky Brand Dungarees, Inc. ("Opposer"), states as follows:

1. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 1 and they are therefore denied.
2. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 2 and they are therefore denied.
3. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 3 and they are therefore denied.
4. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 4 and they are therefore denied.

5. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 5 and they are therefore denied.

6. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 6 and they are therefore denied.

7. Applicant admits that goods in International Class 35 are listed in its application and denies the remaining allegations contained in paragraph 7 not otherwise admitted.

8. Denied.

9. Denied.

10. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 10 and they are therefore denied.

WHEREFORE, Applicant CBR Incorporated respectfully requests that the Notice of Opposition be denied, that a Notice of Allowance be issued to the Applicant, and for any additional or alternative relief that the Trademark Trial and Appeal Board deems appropriate in these circumstances.

Dated: February 25, 2005

Respectfully submitted,

LEONARD, STREET AND DEINARD

By *Doris E. Yock*  
Doris E. Yock

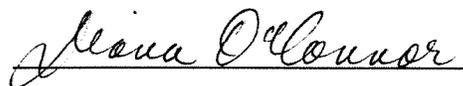
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Doris.Yock@leonard.com

ATTORNEYS FOR APPLICANT  
CBR Incorporated

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a true copy of the foregoing ANSWER was served on Opposer on February 25, 2005, by depositing a copy of the same in the United States mails, first class postage pre-paid, addressed to:

David B. Kirschstein  
Kirschstein, Ottinger, Israel & Schiffmiller, P.C.  
489 Fifth Avenue  
New York, NY 10017-6105

A handwritten signature in cursive script, reading "Anna O'Connor", is written over a horizontal line.