

ESTTA Tracking number: **ESTTA31385**

Filing date: **04/25/2005**

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

Proceeding	91164500
Party	Defendant Thorlakson, Lynette M. Thorlakson, Lynette M. 2515 109th Avenue SE Bellevue, WA 98004
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Submission	Answer
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Date	04/25/2005
Attachments	LYTH-6-1001P01ANS.pdf (2 pages)

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

Puppuccino, Inc.

Opposer,

v.

Thorlakson, Lynette M.

Applicant.

Opposition No. 91164500

Serial Nos. 78/324,909 & 78/324,924

Marks: CATPUCCINO and
CHIRPPUCCINO

ANSWER TO NOTICE OF OPPOSITION

Applicant Lynette M. Thorlakson answers the claims of Puppuccino, Inc. as follows. Paragraph numbers in the Answer correspond to the paragraph numbers used in the Notice of Opposition.

NON-NUMBERED PARAGRAPHS

Page One: Denied.

Page Three: Denied.

NUMBERED PARAGRAPHS

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained and therefore denies the same.

2. Applicant admits that she filed a trademark application for the mark CATPUCCINO on or about November 7, 2003 for goods in International Class 31 for “pet foods, pet supplies, namely, edible pet treats and cat food.” Applicant denies the remaining allegations contained in this paragraph.

3. Applicant admits that she filed a trademark application for the mark CHIRPPUCCINO on or about November 7, 2003 for goods in International Class 31 for “pet foods, pet supplies, namely, edible pet treats, bird seed and bird feed.” Applicant denies the remaining allegations contained in this paragraph.

4. Denied.
5. Denied.
6. Denied.

AFFIRMATIVE DEFENSES

1. Opposer fails to state a claim upon which relief can be granted.
2. Opposer comes before the Board with unclean hands due to its knowledge that (1) there exists no likelihood of confusion between any rights Opposer may have and Applicant's CATPUCCINO and CHIRPPUCCINO marks, (2) no likelihood of confusion would occur if Applicant were permitted to register the CATPUCCINO and CHIRPPUCCINO marks, and (3) Opposer would not be damaged or injured if Applicant were permitted to register the CATPUCCINO and CHIRPPUCCINO marks.

REQUESTED RELIEF

WHEREFORE, Applicant, having answered the Notice of Opposition, requests that:

1. Opposer's Notice of Opposition is dismissed with prejudice.
2. Applicant is issued an unrestricted registration on the Principal Register for its marks.
3. Applicant is granted such other relief as the Board deems just and equitable under the circumstances.

RESPECTFULLY SUBMITTED this 25th day of April, 2005.

/David A. Lowe/
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