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Filing date: **06/15/2005**

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

Proceeding	91164770
Party	Defendant AtHome America, Inc. AtHome America, Inc. 5625 West 115th Street Alsip, IL 60803
Correspondence Address	JOSEPH V.NORVELL BRINKS HOFER GILSON & LIONE P.O. BOX 10395 CHICAGO, IL 60610
Submission	Answer
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Signature	/HSM/
Date	06/15/2005
Attachments	Answer 6-15-05.pdf (5 pages)

RESPONSE TO PARAGRAPH 1:

AtHome America is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1, and therefore denies those allegations.

2. On August 11, 2004, Opposer's Section 8 and Section 15 were accepted and acknowledged.

RESPONSE TO PARAGRAPH 2:

AtHome America is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2, and therefore denies those allegations.

3. Opposer is the owner of United States Certificate of Registration No. 2,095,048 for the mark REAL STYLE FOR REAL LIFE for home shopping services in the field of clothing by means of television, in International Class 35.

RESPONSE TO PARAGRAPH 3:

AtHome America is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3, and therefore denies those allegations.

4. On October 9, 2003, Opposer's Section 8 and Section 15 were accepted and acknowledged.

RESPONSE TO PARAGRAPH 4:

AtHome America is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4, and therefore denies those allegations.

5. Confusion is likely to result between the use by Opposer of its incontestible marks REAL STYLE REAL LIFE and REAL STYLE FOR REAL LIFE in connection with home shopping services in the field of clothing by means of television and AtHome America, Inc.'s use of the mark REAL LIFE WITH STYLE filed on June 28, 2002 for periodically printed publications, namely a magazine and catalog featuring articles and information on general subject matter, general merchandise and general consumer goods, in International Class 16 and business advice and consultation in the field of direct sales of general merchandise and general consumer goods; retail store, mail order catalog, shop at home parties, online retail and mail order services, but not home shopping services by means of television featuring general merchandise and general consumer goods, namely, antiques, aroma/scent products, bakeware, baking/cooking utensils, baskets and basketware, bathroom

accessories, bedding, bowls, candles, ceramics, Christmas ornaments, clocks, coat and hat racks, collectibles, cookware, crafts, cups, doormats, framed prints, furniture, gardening accessories, gifts, housewares, kitchenware, lamps, napkins, luggage, oil lamps, picnic accessories, picture frames, placemats, plates, potholders, potpourri, rugs, saucers, serving trays, storage containers, tablecloths, tables, tableware, towels, vases, wall hangings, wine racks, wooden plaques and wooden shelves.

RESPONSE TO PARAGRAPH 5:

Denied.

6. Opposer's marks REAL STYLE REAL LIFE and REAL STYLE FOR REAL LIFE create substantially the same commercial impression and are likely to be confused with Applicant's Mark REAL LIFE WITH STYLE and will result in a likelihood of confusion which will damage the Opposer.

RESPONSE TO PARAGRAPH 6:

Denied.

7. In view of the substantial similarity between Opposer's marks REAL STYLE REAL LIFE and REAL STYLE FOR REAL LIFE and Applicant's Mark REAL LIFE WITH STYLE, covered by Application Serial No. 76/426,282, continuous use and registration by the Applicant of its mark is likely to deceive the public into believing that Applicant's goods and services are those of Opposer, which in turn will cause great damage to the Opposer.

RESPONSE TO PARAGRAPH 7:

Denied.

Respectfully submitted,

ATHOME AMERICA, INC.

Dated: June 15, 2005

By: 
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Attorneys for the Respondent

CERTIFICATE OF SERVICE

I hereby certify that I have served a true copy of the foregoing ANSWER by delivering a copy to the following counsel/parties, in accord with applicable Rules of Civil Procedure, on June 15, 2005, by first class mail, postage prepaid, addressed as follows:

Manny D. Pokotilow
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By: Hz 