

# TTAB

Express Mail No.: EV532353776US  
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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

APPLICANT: DVD WORLD Pictures Corp.  
MARK: DVD WORLD  
SERIAL NO. 78/495856  
APPLICATION FILING DATE: October 6, 2004  
DATE OF PUBLICATION: September 27, 2005  
OPPOSITION NO.: 91167207

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

### TRANSMITTAL LETTER

To The Commissioner for Trademarks:

Transmitted herewith for filing are the following:

1. Answer and Affirmative Defenses to Notice of Opposition (in triplicate);
2. Return postcard, postage pre-paid.

The Commissioner is hereby authorized to charge Deposit Account No. 50-0311, Reference 09999-515, for all fees due in connection with this submission. A duplicate letter is enclosed.

If the enclosed papers are considered incomplete, the Mail Room is respectfully requested to contact the undersigned at (212) 935-3000.

Respectfully submitted,

By: 

Christine M. Baker, Esq.  
Mintz, Levin, Cohn, Ferris,  
Glovsky and Popeo, P.C.  
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New York, New York 10017  
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Date: December 7, 2005



Attorney Docket: 09999-515

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

ANTA DHALIWAL, :  
 :  
 Opposer, : OPPOSITION NO. 91167207  
 :  
 v. : APPLICATION NO. 78/495856  
 :  
 DVD WORLD Pictures Corp. :  
 :  
 Applicant. :

**ANSWER AND AFFIRMATIVE DEFENSES  
TO NOTICE OF OPPOSITION**

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

Sir/Madam:

Applicant, DVD WORLD Pictures Corp. (hereinafter "Applicant"), by its attorneys Mintz Levin Cohn Ferris Glovsky and Popeo P.C. answers the Notice of Opposition filed by Anita Dhaliwal ("Opposer") in the above-referenced matter as follows:

**ANSWER**

1. Applicant admits that it filed an application to register the mark DVD World for online retail and distribution of DVD movies in International Class 35 and for motion picture production and distribution in International Class 41 on October 6, 2004.

Applicant further admits that it first used its service mark in commerce on May 14, 1997 and in interstate commerce on November 19, 1998. Applicant is without information sufficient to form a belief as to the truth of the allegation in Paragraph 1 as to Opposer's ownership of the domain name www.dvdworld.com and therefore denies said allegation.

2. Applicant denies the allegation in Paragraph 2.

3. Applicant is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 and therefore all such allegations are denied.
4. Applicant denies the allegations contained in Paragraph 4.
5. Applicant denies the allegation contained in Paragraph 5.
6. Applicant denies the allegation contained in Paragraph 6.
7. Applicant denies the allegation contained in Paragraph 7.
8. Applicant denies the allegation contained in Paragraph 8.
9. Applicant denies the allegation contained in Paragraph 9.
10. Applicant denies the allegations contained in Paragraph 10.
11. Applicant denies the allegation contained in Paragraph 11.
12. Applicant denies the allegation contained in Paragraph 12.
13. Applicant denies the allegation contained in Paragraph 13.
14. Applicant denies the allegation contained in Paragraph 14 with respect to its use of the mark DVD WORLD.
15. Applicant denies the allegation contained in Paragraph 15.
16. Applicant denies the allegation contained in Paragraph 16.
17. Applicant denies the allegation contained in Paragraph 17 and admits that it owns U.S. Registration No. 2,912,970 for DVD WORLD and Design.
18. Applicant denies the allegation contained in Paragraph 18.
19. Applicant denies the allegations contained in Paragraph 19.
20. Applicant admits that it seeks to register the mark DVD WORLD for online retail and distribution of DVD movies in International Class 35 and for motion picture production and distribution in International Class 41.
21. Applicant admits that it has disclaimed the term "DVD" in its application papers.

22. Applicant denies the allegation contained in Paragraph 22.
23. Applicant denies the allegation contained in Paragraph 23.

**AFFIRMATIVE DEFENSES**

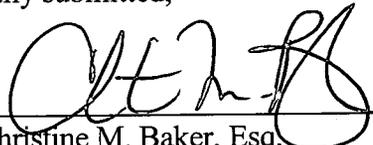
1. The opposition should fail since the Opposer fails to state a claim upon which relief may be granted.
2. The opposition should fail since DVD WORLD is a distinctive service mark as is evidenced by Applicant's ownership of U.S. Registration No. 2,912,970 for DVD WORLD and Design.
3. The opposition should fail since Applicant owns U.S. Registration No. 2, 912,970 for DVD WORLD and Design.
4. The opposition should fail since the Applicant is using DVD WORLD as a source identifier in interstate commerce.
5. The opposition should fail since the application record includes a disclaimer of the word "DVD."

Wherefore, Applicant requests that the Notice of Opposition filed against its application be denied in its entirety and that the application for the mark DVD WORLD continue to registration.

Dated: December 7, 2005.

Respectfully submitted,

By: \_\_\_\_\_

  
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Attorneys for DVD WORLD Pictures Corp.

**CERTIFICATE OF SERVICE**

I hereby certify that a copy of the foregoing ANSWER AND AFFIRMATIVE DEFENSES TO NOTICE OF OPPOSITION was served by U.S. mail, first class, postage prepaid, on this 7<sup>th</sup> day of December, 2005 on the following:

R. Joseph Trojan  
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Attorneys for Opposer



Christine M. Baker, Esq.

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