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Filing date: **06/21/2006**

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

Proceeding	91170863
Party	Defendant Perfect Plus, Inc. Perfect Plus, Inc. Suite 601 9595 Wilsire Boulevard Beverly Hills, CA 90212
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Date	06/21/2006
Attachments	Perfect Answer to Opposition.PDF ( 6 pages )(105200 bytes )

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

In re Application of:

Perfect Plus, Inc..

Mark: SEXY 'N SASSY in International Class 03

Application No.: 78/573,653

Filing Date: February 23, 2005

Published for Opposition: November 15, 2005

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SEXY HAIR CONCEPTS LLC,

Opposer,

v.

Opposition No.: 91170863

PERFECT PLUS, INC.

Applicant.

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United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**ANSWER TO OPPOSITION**

Applicant, Perfect Plus Inc. ("Applicant"), responds to the Notice of Opposition as filed by Opposer, Sexy Hair Concepts LLC ("Opposer") as follows:

1. Applicant admits the allegations set forth in Paragraph 1 of the Notice of Opposition.
2. Applicant admits that the application opposed was filed on February 23, 2005. Except as expressly admitted, Applicant denies the allegations set forth in Paragraph 2 of the Notice of Opposition.

3. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 3 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

4. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 4 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

5. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 5 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

6. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 6 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

7. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 7 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

8. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 8 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

9. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 9 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

10. Applicant denies each and every allegation set forth in Paragraph 10 of the Notice of Opposition.

11. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 11 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

12. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 12 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

13. Applicant denies each and every allegation set forth in Paragraph 13 of the Notice of Opposition.

14. Applicant denies each and every allegation set forth in Paragraph 14 of the Notice of Opposition.

15. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 15 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

16. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 16 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

17. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 17 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

18. Applicant lacks sufficient knowledge and information upon which to formulate a belief as to the truth or falsity of the allegations set forth in Paragraph 18 of the Notice of Opposition, and therefore denies each and every allegation set forth therein.

19. Applicant denies each and every allegation set forth in Paragraph 19 of the Notice of Opposition.

20. Applicant denies each and every allegation set forth in Paragraph 20 of the Notice of Opposition.

21. Applicant denies each and every allegation set forth in Paragraph 21 of the Notice of Opposition.

22. Applicant denies each and every allegation set forth in Paragraph 22 of the Notice of Opposition.

23. Applicant denies each and every allegation set forth in Paragraph 23 of the Notice of Opposition.

24. Applicant denies each and every allegation set forth in Paragraph 24 of the Notice of Opposition.

### **AFFIRMATIVE DEFENSES**

25. First Affirmative Defense. Applicant alleges that the Notice of Opposition fails to state a claim of opposition against Applicant's mark.

26. Second Affirmative Defense. Applicant alleges that Opposer has unreasonably delayed in asserting its alleged rights and is barred by the doctrine of laches from pursuing this opposition.

27. Third Affirmative Defense. Applicant alleges that Opposer's mark, goods and channels of trade are so far removed from Applicant's that there can be no likelihood of confusion or deception of the public as a matter of law.

28. Fourth Affirmative Defense. Opposer's purported trademarks are generic or descriptive without secondary meaning.

29. Fifth Affirmative Defense. There is no likelihood of confusion between Applicant's trademark and Opposer's marks.

WHEREFORE, Applicant respectfully prays for a decision by the Trademark Trial and Appeal Board in its favor that Opposition No. 91170863 filed against it be denied.

Dated: June 21, 2006

Respectfully submitted,  
Perfect Plus, Inc.

By:



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CERTIFICATE OF SERVICE

I, Cindy Price, hereby certify that a true copy of the foregoing **ANSWER TO OPPOSITION** was served on the following attorney of record for Opposer by First Class Mail this 21<sup>st</sup> day of June, 2006, addressed as follows:

Roberta Jacobs-Meadway, Esq.  
Ballard Spahr Andrews & Ingersoll, LLP  
1735 Market Street, 51<sup>st</sup> Floor  
Philadelphia, PA 19103

  
Cindy Price