

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

TTAB

Application Serial No.: 78467055
Mark: C-WEED
International Class: 3
Applicant: Kiss My Face Corporation

NEW KINGDOM, INC. :
d/b/a Sue Devitt Studio :
 :
Opposer, :
 :
v. :
 :
KISS MY FACE CORPORATION, :
 :
Applicant. :

Opposition No. 9191171649

Applicant's Answer to Notice of Opposition

Applicant, through its undersigned attorney, answers the Notice of Opposition in correspondingly numbered paragraphs to the opposer's allegations.

1. Applicant is without sufficient information to admit or to deny this allegation and therefore denies this allegation.
2. Applicant is without sufficient information to admit or to deny this allegation and therefore denies this allegation.
3. Applicant is without sufficient information to admit or to deny this allegation and therefore denies this allegation.
4. Applicant is without sufficient information to admit or to deny this allegation and therefore denies this allegation.
5. Applicant is without sufficient information to admit or to deny this allegation and therefore denies this allegation.
6. Admitted.

07-12-2006

7. Admitted.
8. Admitted.
9. Admitted.
10. Admitted.
11. Denied.
12. Admitted.
13. Admitted.
14. Denied.
15. Denied.
16. Admitted
17. Admitted.
18. Admitted.
19. Denied.
20. Admitted that the USPTO acted in the '450 application and in the opposed application with regard to "C-WEED"; except as so-admitted the allegation is denied.
21. Denied as to applicant's use; admitted as to opposer's use.
22. Denied.
23. Applicant is without sufficient information to admit or to deny this allegation and therefore denies this allegation.
24. Admitted
25. Denied as to applicant's usage which is not a misspelling of seaweed; admitted as to opposer's use which is a misspelling of seaweed.

26. Applicant is without sufficient information to admit or to deny this allegation and therefore denies this allegation.
27. Applicant is without sufficient information to admit or to deny this allegation and therefore denies this allegation.
28. Denied.
29. Applicant is without sufficient information to admit or to deny this allegation and therefore denies this allegation.
30. Denied.

Affirmative Defenses

31. C-WEED as used by applicant is a play on the slang word "weed" for hemp or marijuana referencing the ingredient hemp oil in the applicant's product in combination with "C" as a reference to Vitamin C in the applicant's product, the applicant's mark "C-WEED" being a suggestion of Vitamin C and hemp oil found in the applicant's products. Applicant's labels have illustrations of an orange (Vitamin C) and hemp leaves juxtaposed with the mark C-WEED.
32. Opposer uses "C-WEED" and "SEAWEED" interchangeably, selling products called "70% Triple Seaweed Gel Foundation"; "Triple C-Weed Whipped Foundation"; and "Triple C-Weed Loose Powder", all of which products contain seaweed.
33. C-WEED as used by opposer in its "triple seaweed/triple C-weed" products is merely descriptive of the main ingredient seaweed, of which it is a misspelling, contrary to opposer's representation to the USPTO in its pending application 76/626,340. Such misrepresentation as to its own descriptive use of "C-WEED" constitutes unclean hands in opposer's dealings with the USPTO.
34. C-WEED as used by applicant is not a misspelling of "seaweed" nor is it a reference to seaweed.
35. Opposer in its application 76/626,340 disingenuously and falsely alleged on or about February 4, 2006 that "C-WEED is not a slight misspelling of SEAWEED and will not be perceived by consumers of Applicant's goods as a slight misspelling of SEAWEED." Those allegations of February 4,

2006 are directly contrary to opposer's allegations in paragraphs 21 and 22 of the Notice of Opposition.

WHEREFORE, applicant requests that the opposition be dismissed with prejudice.

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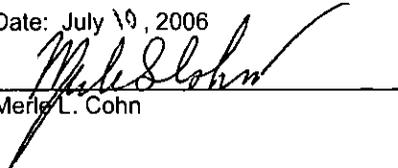
Respectfully submitted,



Michael A. Cornman
Attorney for Applicant

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Commissioner for Trademarks, ~~2000 Crystal Drive, Arlington, VA 22202-3514~~, and a true copy is being mailed by first class mail to Hae Park-Suk, Barnes & Thornburg, LLP, 750 17th Street, NW, Suite 900, Washington, DC 20006, on the date indicated below.

Date: July 19, 2006



Merie L. Cohn

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mlc