

ESTTA Tracking number: **ESTTA112191**

Filing date: **11/30/2006**

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

Proceeding	91173879
Party	Defendant Gordon, Dexter Gordon, Dexter Suite 1004 19 W 21 Street New York, NY 10010
Correspondence Address	CHRIS RUCKER 19 W 21ST ST RM 1004 NEW YORK, NY 10010-6844
Submission	Answer
Filer's Name	Chris Rucker
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Date	11/30/2006
Attachments	Prior to filing date of the subject application Serial No.txt (1 page)(1652 bytes)

1. Prior to filing date of the subject application Serial No. 78807659, Defendant has adopted and continuously used in interstate commerce the goods and services mark RESPECT TRADITION for IC 025: men's, women's, children's wearing apparel, namely, shirts, pants, jackets, sweaters, jerseys, cap's, socks, underwear, knits, namely knit skirts, jackets, pants, fleeces, namely vests and jackets, shorts, sportswear, namely sweatshirts, running shorts, sweatpants and sports bras, outerwear, coats, ponchos and shawls, sleepwear, shoes and sneakers.

2. Defendant's products bearing the RESPECT TRADITION goods and services mark have been extensively and continuously offered to the public through various channels of trade. Defendant has also extensively advertised its goods and services under said goods and services mark throughout the United States. By reason of such advertising and wide distribution of Defendant's services bearing the RESPECT TRADITION goods and services mark, the public has come to recognize RESPECT TRADITION as signifying Defendant and its goods and services and Defendant has built up extensive goodwill in connection with the sale of its products under its goods and service mark.

3. Opposer's mark so resembles Defendant's mark, RESPECT TRADITION, as to be likely, when applied to the goods and services set forth in Defendant's application, to cause confusion, mistake, or deception within the meaning of Section 2(d) of the Trademark Act.

4. Defendant filed Serial No. 78807659 several months prior Opposer's Notice of Opposition and Trademark Application were filed with United States Patent and Trademark Office.