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

Proceeding	91175048
Party	Defendant Chopra Enterprises, LLC Chopra Enterprises, LLC 2013 Costa del Mar Carlsbad, CA 92009
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Date	02/20/2007
Attachments	SHANTI Answer to N-O.pdf (5 pages)(950856 bytes)

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

In the matter of Application Serial No.: 78/780281
Published in the Official Gazette on: September 5, 2006

_____)	
TRACIE MARTYN INTERNATIONAL, LLC,)	
)	
Opposer,)	
)	
vs.)	Opposition No.: 91175048
)	
CHOPRA ENTERPRISES, LLC,)	
)	
Applicant.)	
_____)	

ANSWER TO NOTICE OF OPPOSITION

Applicant, Chopra Enterprises, LLC, by and through his undersigned attorneys of record, answers the Notice of Opposition as follows:

1. In answering Paragraph 1 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truthfulness of the allegations contained therein, thus denying the same.

2. In answering Paragraph 2 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truthfulness of the allegations contained therein, thus denying the same.
3. In answering Paragraph 3 of the Notice of Opposition, Applicant admits that it has sought to register the mark SHANTI MEDITATION FACIAL for use on "health spa services for health and wellness of the body and spirit offered at a health resort, health spa services, namely, cosmetic body care services, skin care salons" in International Class 44 and that said application was based upon intent to use.
4. In answering Paragraph 4 of the Notice of Opposition, Applicant admits that no use of the mark SHANTI MEDITATION FACIAL has commenced prior to December 23, 2005, but based upon information and belief that use of said mark had commenced prior to the date of first use alleged by Opposer, namely, July 5, 2006.
5. In answering Paragraph 5 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truthfulness of the allegations contained therein, thus denying the same. Applicant denies any and allegations that Applicant's Mark SHANTI MEDITATION FACIAL is highly similar in sound, meaning and/or appearance to Opposer's Mark SHANTI or that the Applicant's noted services namely "health spa services for health and wellness of the body and spirit offered at a health resort, health spa services, namely, cosmetic body care services, skin care salons" are closely related to the Opposer's "personal hygiene products, namely, perfumes" or that the public is likely to associate the Applicant's very specific services with Opposer's goods or

believe Applicant's services are sponsored, endorsed, or licensed by Opposer, or that there is some relationship between Applicant and Opposer, with the same being especially true given that the respective dates of first use in commerce by the parties have not been established.

6. In answering Paragraph 6 of the Notice of Opposition, Applicant specifically denies that Applicant's "health spa services for health and wellness of the body and spirit offered at a health resort, health spa services, namely, cosmetic body care services, skin care salons" are closely related to the Opposer's "personal hygiene products, namely, perfumes".
7. In answering Paragraph 7 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truthfulness of the allegations contained therein with respect to how the "personal hygiene products, namely, perfumes" of Opposer are promoted, thus denying the same may be promoted and sold to the same customers through the same channels of trade as Applicant's "health spa services for health and wellness of the body and spirit offered at a health resort, health spa services, namely, cosmetic body care services, skin care salons" as sold through their normal and exclusive channels of trade.
8. In answering Paragraph 8 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truthfulness of the allegations contained therein, thus denying the same. Applicant denies any and allegations that the registration of Applicant's Mark will be in violation and derogation of Opposer's Mark and specifically denies that the rights of Opposer are prior and/or superior to Applicant.

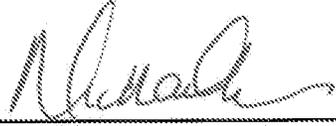
9. In answering Paragraph 9 of the Notice of Opposition, Applicant denies that use of SHANTI MEDITATION FACIAL in connection with "health spa services for health and wellness of the body and spirit offered at a health resort, health spa services, namely, cosmetic body care services, skin care salons" is likely to cause confusion, cause mistake or deceive the public and cause the public to believe that the above noted services emanate from or are otherwise sponsored by Opposer's use or rights to the mark SHANTI as used on "personal hygiene products, namely, perfumes" or that any said used is in violation of Section 2(d) of the Lanham Act, 15 U.S.C. §1052 (d).

WHEREFORE, Applicant prays that the Opposition be dismissed that the Applicant's application for the mark SHANTI MEDITATION FACIAL be allowed to mature to registration.

Respectfully submitted,

EZRA BRUTZKUS GUBNER LLP

Date: 2/20, 2007

By: 

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served by first class mail, postage prepaid, on this 20 day of February 2007, upon Opposer's attorneys:

Kathryn Jennison Shultz
John Jennison
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Date:

Feb. 20, 2007

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