

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

Elie Tahari

Vs.

PraJah Enterprises, Inc

Serial Number: 78813893

Publication Date: 3 October 2006

Proceeding Number: 91176023

ESTTA Tracking Number: ESTTA128260

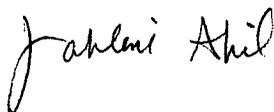
ANSWER

1. PraJah Enterprises, Inc, Applicant, has no knowledge or information sufficient to form a belief as to the truth of the averment stating that Elie Tahari, Opposer, is a world-renowned designer, manufacturer, licensor and retailer of wearing apparel and accessories sold under registered marks 'Elie Tahari', and 'Tahari'.
2. Applicant has no knowledge or information sufficient to form a belief as to the truth of the averment stating the date or capacity in which Opposer established and began using the 'Elie Tahari', and 'Tahari' marks.
3. Applicant has no knowledge or information sufficient to form a belief as to the truth of the averment stating time and resources expended towards establishing and protecting the 'Tahari Family of Marks'.
4. Applicant has no knowledge or information sufficient to form a belief as to the truth of the averment stating the validity of Opposer's 'Tahari Family of Marks' and right to use said marks in commerce.

5. Applicant admits that on 14 February 2006, application for use of the *composite* mark, TAFARI Health & Fitness Club™, was filed under International Class 025. According to the trademark disclaimer, “no claim is made to the exclusive right to use ‘Health & Fitness Club’ apart from the mark as shown”, therefore, as stated in the United States Patent and Trademark Office’s Trademark Manual of Examination Procedures, TMEP §1213(b), “As used in trade mark registrations, a disclaimer of a component of a composite mark amounts merely to a statement that, in so far as that particular registration is concerned, no rights are being asserted in the disclaimed component standing alone, but rights are asserted in the composite; and the particular registration represents only such rights as flow from the use of the composite mark”.
6. Applicant denies that goods to be distributed under the *composite* mark, TAFARI Health & Fitness Club™, will cause confusion to the purchasing public due to its distinct spelling, pronunciation and sound.
7. Applicant denies that Opposer will suffer damages by use of the *composite* mark, TAFARI Health & Fitness Club™, in the marketplace, as there is no confusion due to the distinct spelling, pronunciation and sound of the *composite* mark, TAFARI Health & Fitness Club™.

WHEREFORE, Applicant respectfully appreciates Opposer’s interest in the *composite* mark, TAFARI Health & Fitness Club™, applied for under Serial Number 78813893.

Sincerely,



Jahlani Akil, CEO  
PraJah Enterprises, Inc

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**PraJah Enterprises, Inc.**

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5 April 2006

Via Express Mail

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Trademark Trial and Appeal Board  
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