

TTAB

May 29, 2007

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

Re: Forever 21, Inc. v. Amber Waves Jewelry, LLC
Opposition No 91176777
Serial No. 78876626

Dear Sir/Madam:

Enclosed for filing are the following:

1. Answer to Notice of Opposition (in triplicate); and
2. Certificate of Mailing.

Respectfully submitted,



Shane Henry

Member
Amber Waves Jewelry, LLC
10910 East 56th Street
Tulsa, OK 74146
PH 918-271-1651
FX 918-294-3991



05-31-2007

U.S. Patent & TMOc/TM Mail Rcpt Dt. #34

MARK: FOREVER FAITH

Certificate of Mailing

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to:

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

On May 29, 2007


Shane Henry, Member

1. Answer to Notice of Opposition (in triplicate); and
2. Certificate of Mailing.

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

IN RE SERIAL NO. 78-876,626

AMBER WAVES JEWELRY, LLC)	
)	
Applicant,)	
)	
vs.)	
)	
FOREVER 21, INC.)	
)	
Opposer.)	
_____)	

ANSWER TO NOTICE OF OPPOSITION

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

Dear Sir or Madam:

In the matter of the notice of opposition submitted by FOREVER 21, INC., a Delaware corporation, with offices at 2001 S. Alameda Street, Los Angeles, California 90058 (hereinafter "Opposer"), AMBER WAVES JEWELRY, LLC, of Tulsa, Oklahoma, (hereinafter "Applicant") for the registration of the trademark FOREVER FAITH, Applicant Serial No. 78/876,626, published in the Official Gazette of December 5, 2006, at TM 532, applicant believes that it will not damage opposer by registration of the mark shown in Serial No. 78/876,626, and herby answers the opposition.

The answers to the notice of opposition are as follows:

1. Admitted

2. Admitted
3. Not enough information to deny or affirm.
4. Denied. Opposer's mark is not inherently distinctive. Opposer's use of FOREVER is not inherently distinctive and has not become distinctive in that purchasers do not associate the mark FOREVER on merchandise with Opposer alone. Applicant's use of FOREVER FAITH is descriptive of the faith based merchandise.
5. Admitted
6. Admitted
7. Admitted
8. Admitted
9. Admitted
10. Admitted
11. Admitted.
12. Denied. Applicant's FOREVER FAITH mark is not confusingly similar to Opposer's FOREVER TRADEMARKS and its registration and use by Applicant on the goods claimed in the subject application is not likely to cause confusion, deception and mistake. Specifically, Applicant denies that there is a likelihood of confusion. Applicant contends that no likelihood of confusion is created because the marks themselves are not confusingly similar. Applicant's use of FOREVER FAITH is to brand merchandise that is scripture inspired and does not damage FOREVER 21, Inc.

13. Denied. Applicant's use of the mark FOREVER FAITH does not interfere with Opposer's use of its FOREVER TRADEMARKS and use of, or registration of, the mark FOREVER FAITH by Applicant will not seriously damage Opposer. Applicant asserts the FAIR USE DEFENSE in that applicant is not using Opposer's mark in a trademark sense, but merely in a descriptive sense. FOREVER FAITH is being used to describe faith based merchandise.
14. Denied. Applicant's use of FOREVER FAITH does not cause dilution of the distinctive quality of Opposer's famous FOREVER TRADEMARKS. Opposer's mark is not inherently distinctive. Opposer's use of FOREVER is not inherently distinctive and has not become distinctive in that purchasers do not associate the mark FOREVER on merchandise with opposer alone. Applicant's use of FOREVER FAITH is descriptive of the faith based merchandise.

WHEREFORE, Applicant believes that it will not damage Opposer by said registration and prays that registration of the mark FOREVER FAITH to Applicant be granted.

Respectfully submitted,



Dated May 29, 2007

Shane Henry
Member
Aaron Company, LLC