

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

In the Matter of Application No. 78/922,352 for the mark
 VELVET IN DUPONT in International Class 41
Published for Opposition in the Official Gazette of July 17, 2007

E.I. Du PONT DE NEMOURS AND COMPANY,
 Opposer,

Proceeding No. 91180460

v.

A N S W E R

MELISSA J. TERZIS,

Applicant.

DECEMBER 3, 2007

Commissioner For Trademarks,
 Trademark Trial and Appeal Board
 P.O. Box 1451
 Alexandria, VA 22313-1451

A N S W E R

Applicant, Melissa J. Terzis, an individual residing at the Admiral Dupont Condominium located at 1700 17th Street NW, Washington, D.C. 20009, hereby files an Answer to the Notice of Opposition dated October 31, 2007 filed by E. I. Du Pont de Nemours and Company.

PRELIMINARY STATEMENT:

Applicant, Melissa J. Terzis, filed for the registration of the trademark VELVET IN DUPONT for use in a blog which was created and consistently used since June 2005 in order to write about the happenings concerning Dupont Circle in Washington, D.C.

Dupont Circle is a traffic circle in Washington, D.C. at the intersection of Massachusetts Avenue, Connecticut Avenue, New Hampshire Avenue, P Street and 19th Street.



12-03-2007

Dupont Circle is also the name given to the public park within the circle, as well as the surrounding neighborhood which is bounded approximately by 15th Street to the East, 22nd Street to the West, M street to the South and Florida Avenue to the North.

Applicant, Melissa J. Terzis, is, and has been, a resident of the Dupont Circle neighborhood since January 2005 and resides in a condominium appropriately named . Admiral Dupont Condominium. Dupont Circle is listed on the National Registry of Historic Places and has other groups associated with it, namely the Dupont Circle Advisory Neighborhood Commission and the Dupont Circle Citizens Association, and both Groups include the Applicant, Melissa J. Terzis.

Thus, the Applicant's use of the proposed Trademark, VELVET IN DUPONT, is consistent with the Dupont Circle listing set forth above and clearly confirms the fact that the Applicant's use of the word DUPONT is one word and not the two words as used by the Opposer in its Notice of Opposition, to wit, "du Pont".

The Opposer's actual and official name is E. I. Du Pont de Nemours and Company and its word mark is "du Pont", and not "DUPONT" as used by the Applicant in her registration of the trademark, VELVET IN DUPONT.

Thus, it would appear that this is a clear attempt by the Opposer to confuse the Board in its Notice of Opposition by continually reciting, specifying, alternating, and attempting to use the mark DUPONT(one word) when in fact the mark is "du Pont"(two words and the "du" is lower case, then a blank space and then "Pont"), and, thus, the Notice of Opposition filed by the Opposer is clearly at most disingenuous.

In addition, the Opposer claims in its Notice of Opposition that Applicant's registration of the trademark VELVET IN DUPONT will cause "confusion, mistake and

deception, together with consequent irreparable damage to Opposer's business and goodwill" (in paragraphs #8, #9, #10 and #11).

Since Applicant's use of the trademark "VELVET IN DUPONT" was for the purpose of writing a blog about people, places, events and things involving Dupont Circle, in Washington, D.C., and has absolutely nothing to do with the Opposer's development, manufacture, sale and distribution of an extensive variety of products and ingredients for products, such as chemicals, paint, finishes, etc., primarily in Wilmington, Delaware, the purposes, business activities, personnel and worldwide composition are substantially different from the Applicant's Blog which consists of one person.

As for the Opposer's unsupported statements as to confusion, mistake and deception, Applicant has attached twenty (20) pictures of at least twenty different Dupont Circle businesses using the name Dupont (one word) and Dupont Circle in and around the Dupont Circle area. These pictures consist of numerous restaurants, banks, office buildings, Metro stations, historic sections, nails & spa's, physicians, street signs, computer stores, cleaners, florists, a grille, hair salon, Italian Kitchens, bars, commercial buildings and markets.

Thus, contrary to the naked assertions of the Opposer of "possible confusion, mistake and deception", the pictures clearly confirm that the public isn't confused, mistaken and/or deceived about the use of the mark "Dupont" throughout the entire section of Dupont Circle, in Washington, D.C., and nor can the public be confused with the computer blog called "VELVET IN DUPONT".

Moreover, it is patently obvious that the Dupont Circle area has hundreds of small businesses with the name "Dupont" in its corporate, partnership and individual

proprietorship business name, and the public isn't confused, mistaken and/or deceived.

ANSWER:

1. As to paragraph 1, Applicant, Melissa J. Terzis, has no knowledge of the facts contained therein and leaves Opposer, E. I. du Pont de Nemours and Company, to its proof.

2. As to paragraph 2, Applicant, Melissa J. Terzis, has no knowledge of the facts contained therein and leaves Opposer, E. I. du Pont de Nemours and Company, to its proof, except that Applicant denies that the name and mark was "DUPONT" rather than "du Pont".

3. As to paragraph 3, Applicant, Melissa J. Terzis, has no knowledge of the facts contained therein and leaves Opposer, E. I. du Pont de Nemours and Company, to its proof, except that Applicant denies that the name and mark was "DUPONT" rather than "du Pont".

4. As to paragraph 4, Applicant, Melissa J. Terzis, has no knowledge of the facts contained therein and leaves Opposer, E. I. du Pont de Nemours and Company, to its proof, except that Applicant denies that the name and mark was "DUPONT" rather than "du Pont".

5. As to paragraph 5, Applicant, Melissa J. Terzis, has no knowledge of the facts contained therein and leaves Opposer, E. I. du Pont de Nemours and Company, to its proof, except that Applicant denies that the name and mark was "DUPONT" rather than "du Pont".

6. As to paragraph 6, Applicant, Melissa J. Terzis, has no knowledge of the

facts contained therein and leaves Opposer, E. I. du Pont de Nemours and Company, to its proof, except that Applicant denies that the name and mark was “DUPONT” rather than “du Pont”.

7. As to paragraph 7, Applicant, Melissa J. Terzis, denies Opposer’s Allegations, except to admit that the Applicant, Melissa J. Terzis, filed for the registration of the trademark VELVET IN DUPONT for use in a blog which was created and consistently used since June 2005 in order to write about the happenings concerning Dupont Circle in Washington, D.C.

8. As to paragraph 8, Applicant, Melissa J. Terzis, denies Opposer’s, E. I. du Pont de Nemours and Company, allegations, but admits that contrary to the naked assertions of the Opposer of “possible confusion, mistake and deception”, the pictures attached hereto clearly confirm that the public isn’t confused, mistaken and/or deceived about the use of the mark “Dupont” throughout the entire section of Dupont Circle, in Washington, D.C., and nor can the public be confused with the blog called “VELVET IN DUPONT”.

9. As to paragraph 9, Applicant, Melissa J. Terzis, denies Opposer’s, E. I. du Pont de Nemours and Company, allegations, and further denies that the marks were “DUPONT” rather than “du Pont”.

10. As to paragraph 10, Applicant, Melissa J. Terzis, denies Opposer’s, E.I. du Pont de Nemours and Company, allegations.

11. As to paragraph 11, Applicant, Melissa J. Terzis, denies Opposer’s, E. I. de Pont de Nemours and Company, allegations, but admits that contrary to the naked assertions of the Opposer of “possible confusion, mistake and deception”, the twenty (20)

pictures attached hereto clearly confirm that the public isn't confused, mistaken and/or deceived about the use of the mark "Dupont" throughout the entire section of Dupont Circle, in Washington, D.C., and nor can the public be confused with the blog called "VELVET IN DUPONT".

WHEREFORE, Applicant hereby requests that the Notice of Opposition filed by E. I. du Pont de Nemours and Company on October 31, 2007 be DENIED, and that the registration of the trademark VELVET IN DUPONT (Serial Number 78/922,352) be GRANTED.

APPLICANT, MELISSA J. TERZIS

APPLICANT, MELISSA J. TERZIS

By Melissa J. Terzis
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By John E. Terzis
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Tel and Fax 203-637-1216
Cell 561-628-5050
Email: jterzis@excite.com

Dated: Washington, D.C. 20009
On December 3, 2007

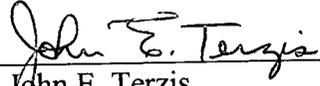
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I hereby certify that the original Answer is being deposited with the United States Postal Service with sufficient postage as First-Class mail in an envelope addressed to the Commissioner for Trademarks, Trademark Trial and Appeal Board, P.O. Box 1451 Alexandria, VA 22313-1451 on December 3, 2007.

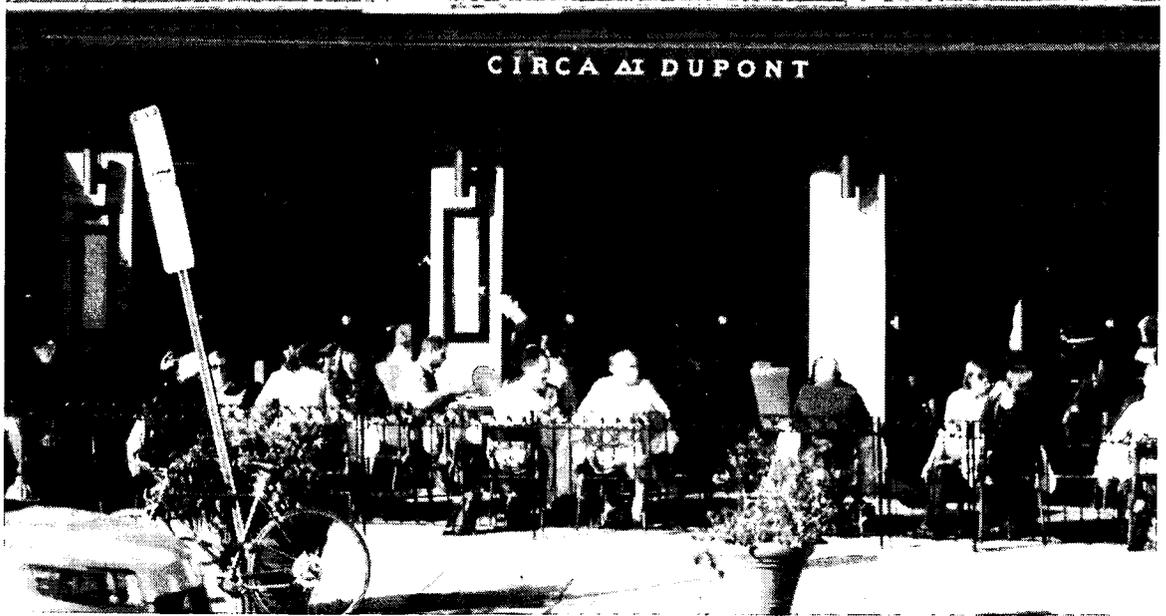
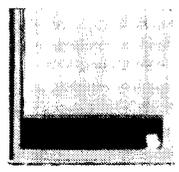
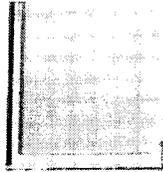
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John E. Terzis

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I hereby certify that a true and complete copy of the Answer has been served on Dickerson M. Downing, Esq., Crowell & Moring LLP, 153 East 53rd /Street, 31st Floor, New York, N.Y. 10022 by mailing a copy on December 3, 2007 via the United States Postal Service with sufficient postage as First-Class mail.



John E. Terzis



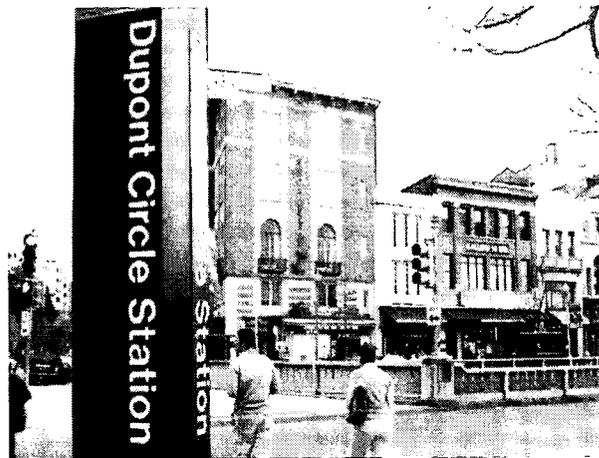
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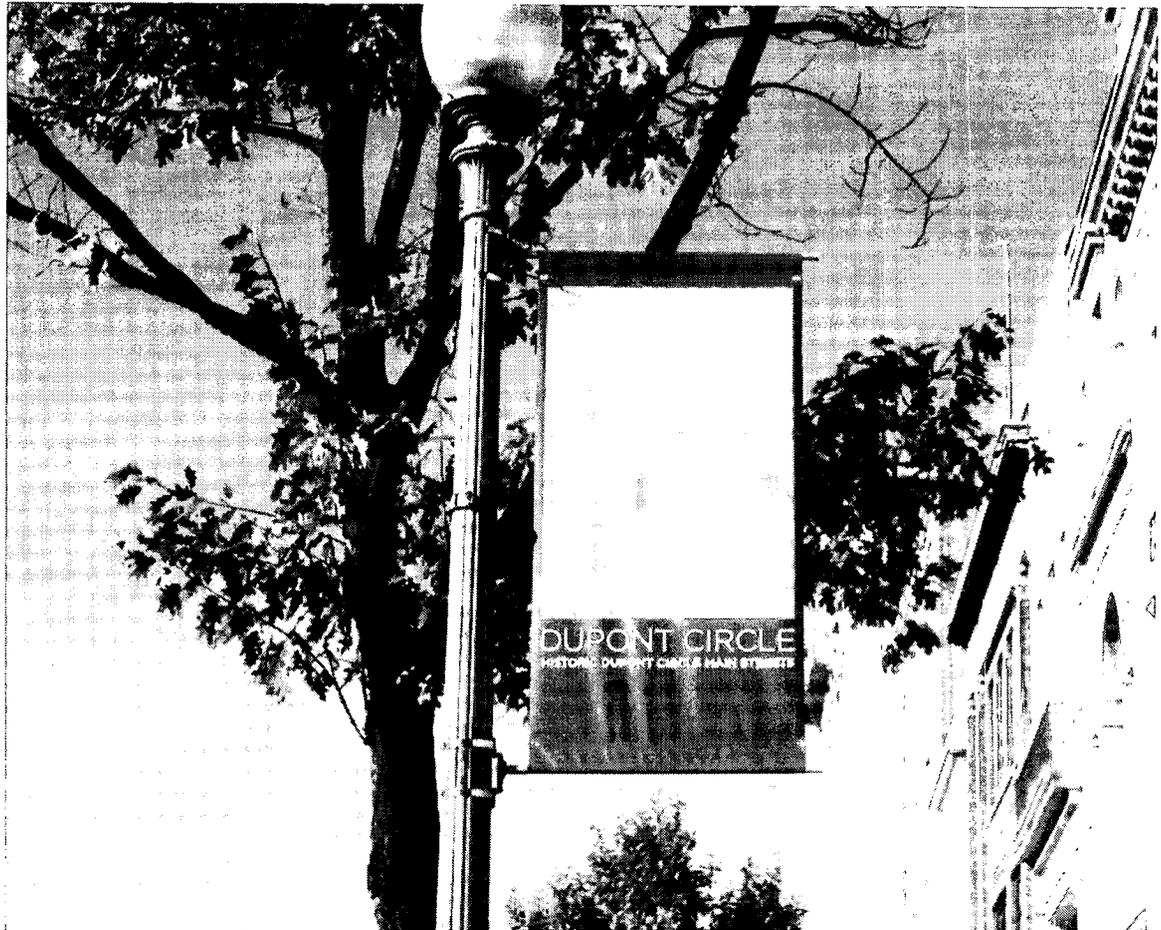
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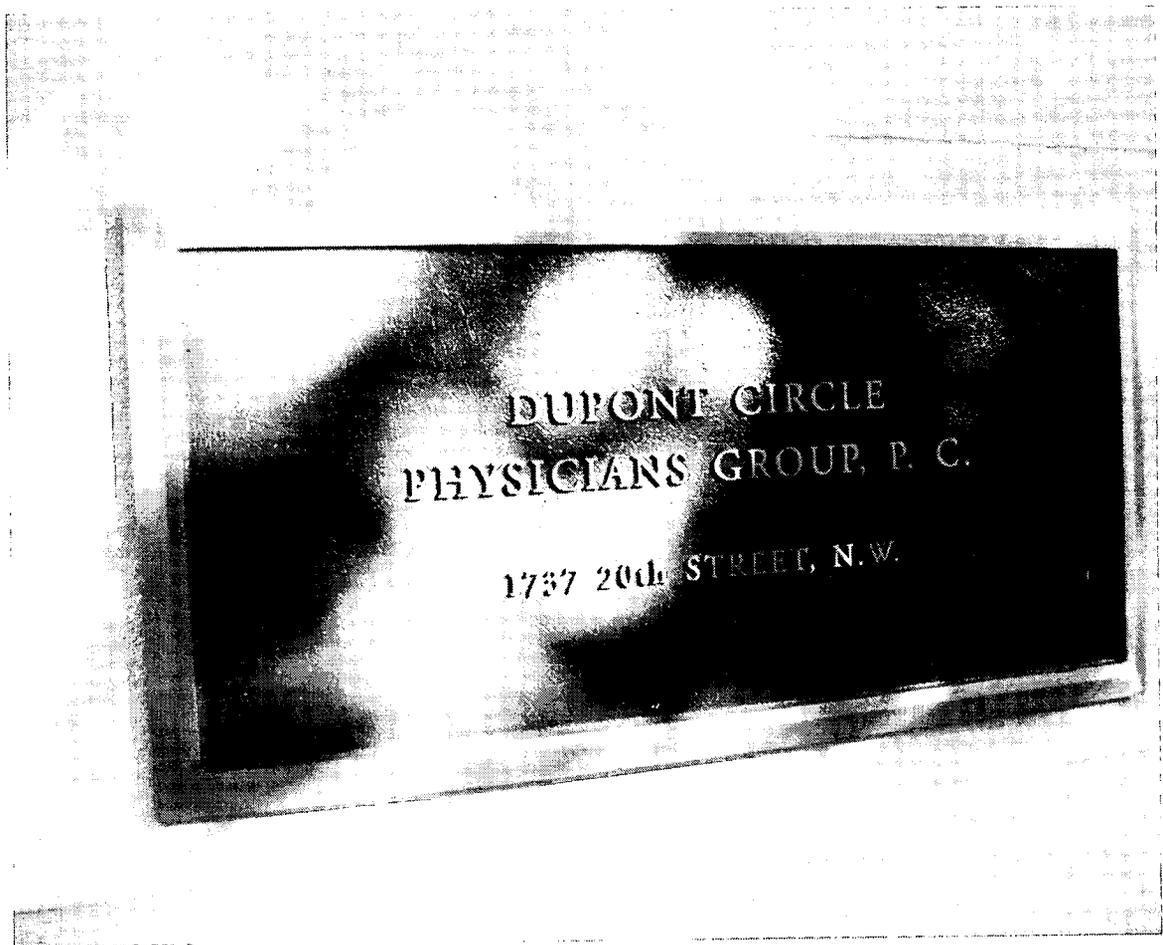
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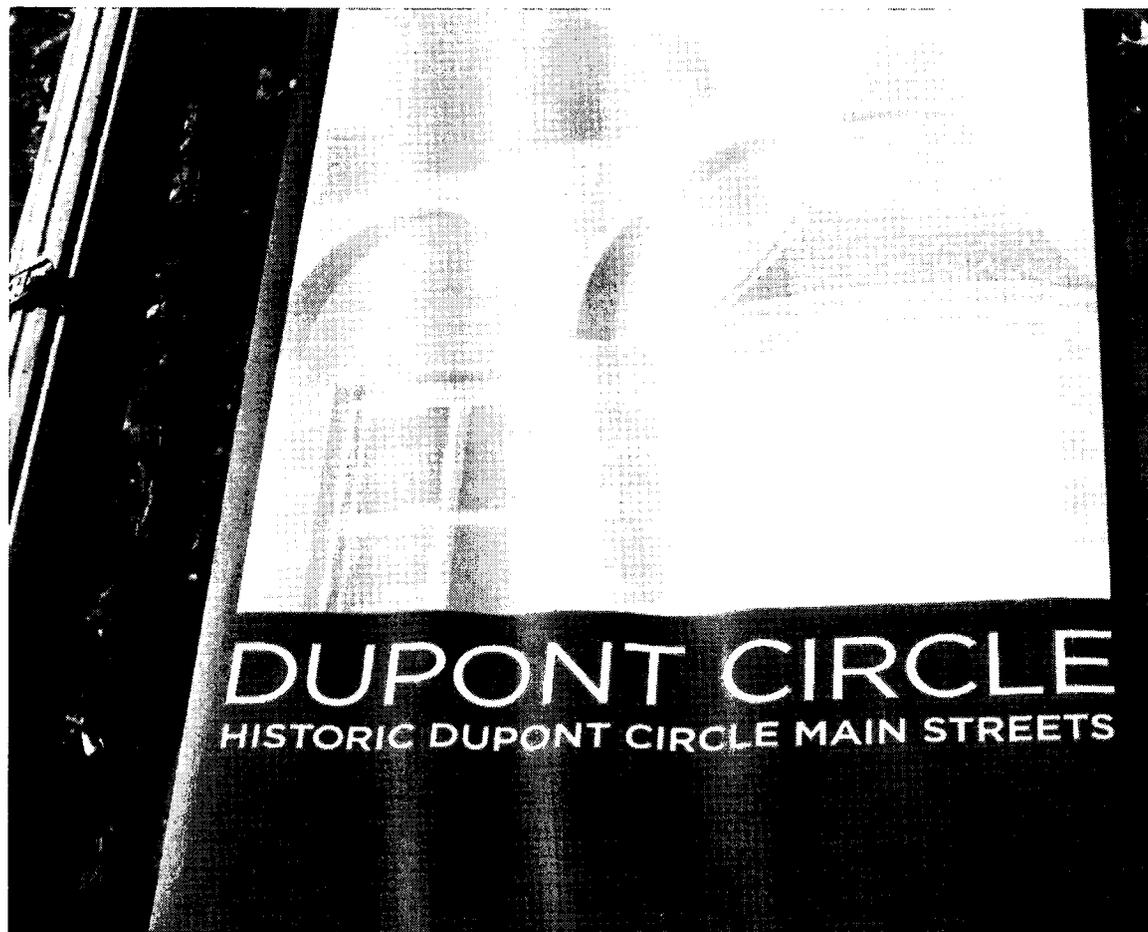
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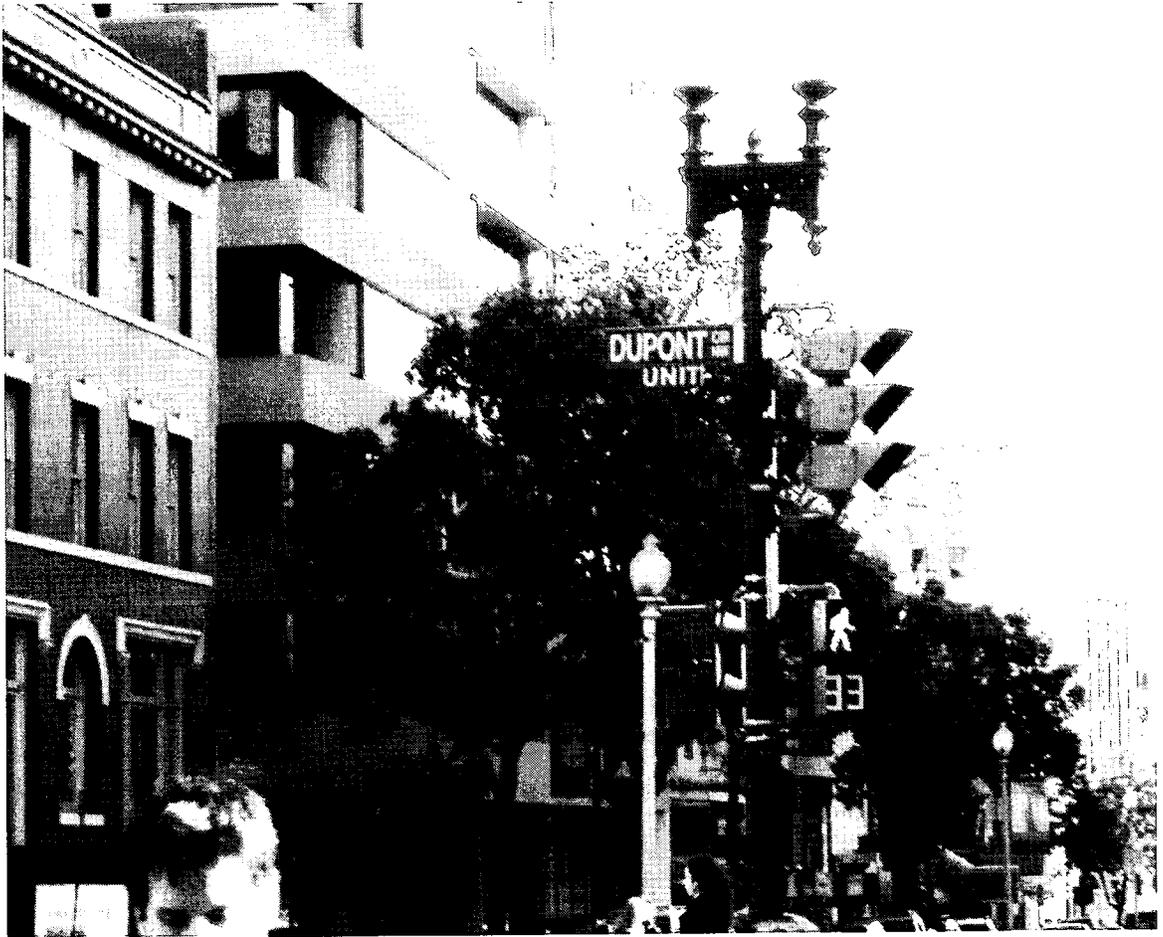
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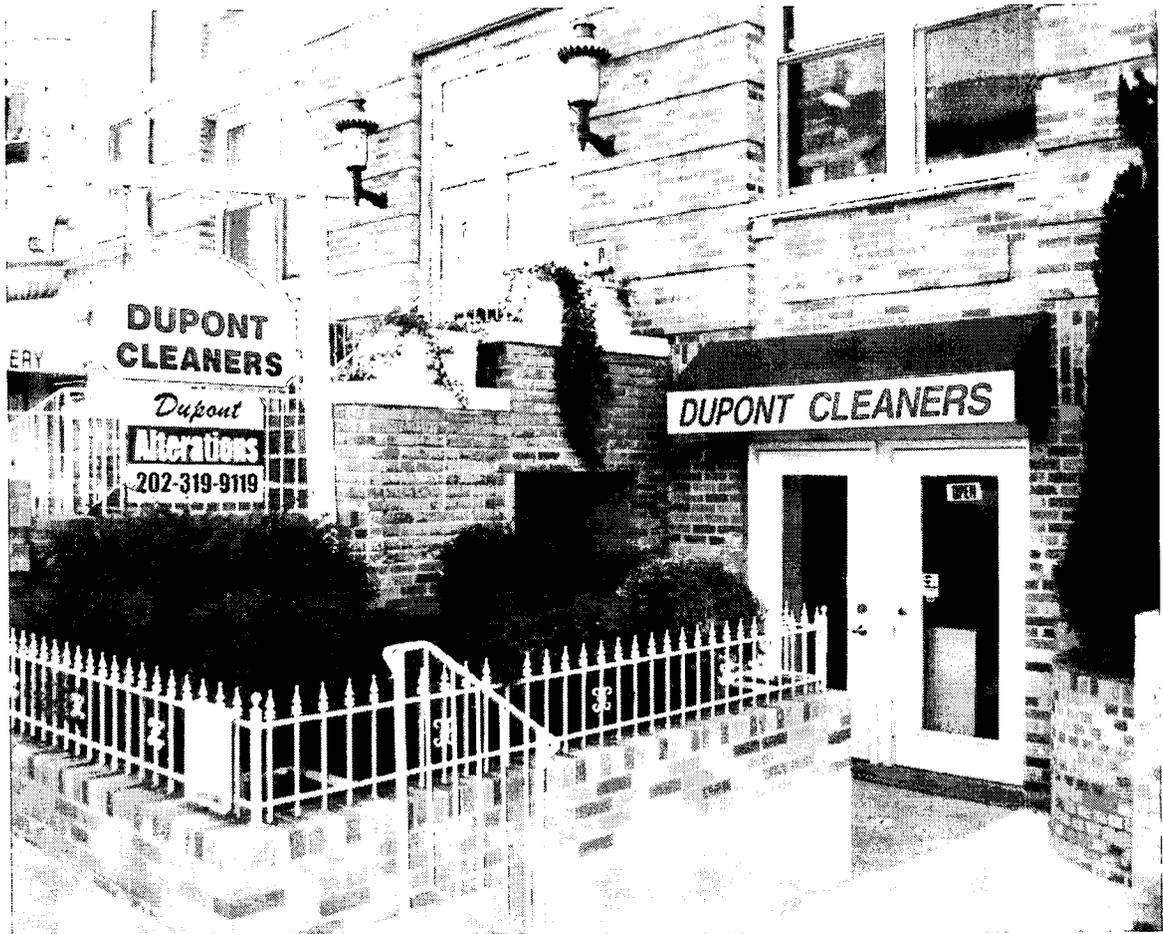
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