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

Proceeding	91183324
Party	Defendant Benedict III, Howard M
Correspondence Address	HOWARD M. BENEDICT III 102 SAND POND RD HAMBURG, NJ 07419-9617 watermark@nac.net
Submission	Answer
Filer's Name	Howard M. Benedict III
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Signature	/HMBIII/
Date	05/08/2008
Attachments	Opposition # 91183324 ANSWER.pdf (5 pages)(111953 bytes)

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

In the Matter of Application Serial No. 77219627

Application Status: Opposition # 91183324 Pending

Mark: LIFE IS LOVE

Defendant

Name: Benedict III, Howard M

Individual

Correspondence:

HOWARD M. BENEDICT III

102 SAND POND RD

HAMBURG, NJ 07419-9617

(973) 827-5786

watermark@nac.net

Plaintiff

Name: L.I.F.E., LLC

Correspondence: Christine McLeod

BEUSSE WOLTER SANKS MORA & MAIRE PA

390 N ORANGE AVENUE, SUITE 2500

Orlando, FL 32801

cqm@patentorlando.com

Serial #: 78736504 Application File Registration #: 3336578

Application Status: Registered

Mark: L.I.F.E. LOVE IS FOR EVERYONE

Serial #: 78429116 Application File Registration #: 3077644

Application Status: Registered

Mark: L.I.F.E. LOVE IS FOR EVERYONE

Serial #: 78736428 Application File Registration #: 3150059

Application Status: Registered

Mark: L.I.F.E. LOVE IS FOR EVERYONE

Applicant, Howard M. Benedict III, hereby answers the allegations set forth in the Notice of Opposition as follows:

1. Applicant admits the allegations set forth in Paragraph 1 of the Notice of Opposition.

2. Applicant admits the allegations set forth in Paragraph 2 of the Notice of Opposition.

3. Applicant denies the allegations set forth in Paragraph 3 of the Notice of Opposition.

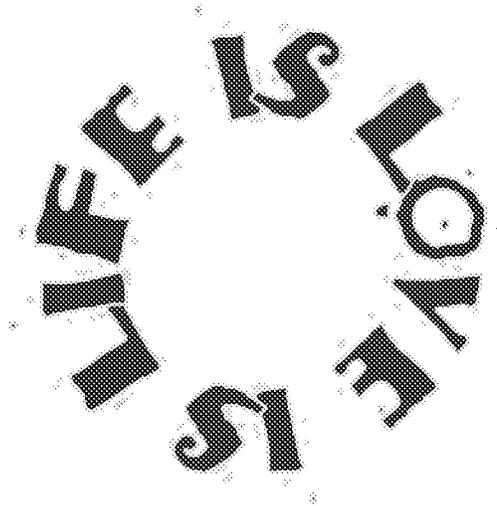
A simple search of the Internet located other websites and uses of *L.I.F.E. LOVE IS FOR EVERYONE*. Sites were for an animal shelter, a book, and a GSA academic organization.

Thus the mark has not, in fact, developed a high degree of distinctiveness, nor does it necessarily identify the Opposer as the origin of the goods.

4. Applicant admits the allegations set forth in Paragraph 4 of the Notice of Opposition. (See response to allegation 1.)

5. Applicant denies the allegations set forth in Paragraph 5 of the Notice of Opposition.

The acronym *L.I.F.E.* really bears little resemblance to *Life is Love*, and would be very hard to confuse. Furthermore, our insignias are completely different: ours is a circle with the words *LIFE is LOVE is*:



The insignia for L.I.F.E., LLC, is a heart over a smile with the wording underneath.



We believe that the marks are *not* confusingly similar. Two of the words, *Life* and *Love* are very common and have long been in the public domain. They are used in many trademarks, individually and together. The sentiments of each mark are different: In one, *life* is an acronym followed by a phrase that also includes the words, *is for everyone*; in the other, *life is love* makes up the whole phrase.

6. Applicant denies the allegations set forth in Paragraph 6 of the Notice of Opposition.

This is much like saying Ralph Lauren's Polo shirts would be confused with Lacoste shirts because they both have an embroidered insignia and are sold through the same channels of trade and to the same class of purchasers. In this case, the goods would be more easily distinguished from one another given the unique and distinct artwork on Opposer's shirts.

7. Applicant denies the allegations set forth in Paragraph 7 of the Notice of Opposition.

Applicant's goal is to form a 501C.3 non-profit corporation dedicated to a variety of philanthropic causes. *Life is Love* would be used to support those causes. Applicant has quite a different legal structure and financial goals from Opposer's; our dedicated purpose is to differentiate ourselves from for-profit enterprises, much as Al Gore's campaign for

the environment has using the “We” logo. As such, the source of products by Applicant will be easily distinguished in purpose, design, and origin from those of Opposer.

WHEREFORE, Applicant respectfully requests that the application to register the mark LIFE IS LOVE be granted, and that the two marks be permitted to co-exist.

Dated: May 8, 2008

Respectfully submitted,

/HMBIII/

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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing document was mailed to Opposer on May 9, 2008, by first class mail, postage prepaid, at the following address:

Christine Q. McLoed
Breusse Wolter Sanks Mora & Maire, P.A.
390 N. Orange Avenue, Suite 2500
Orlando, FL 32801

I also certify that a copy of the foregoing document was emailed to Christine Q. McLoed at cqm@patentorlando.com on May 8, 2008

/HMBIII/
Howard M. Benedict III