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

Proceeding	91181896 91186200
Party	Defendant Koumetz, Paule, Koumetz, Gerard
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Submission	Answer
Filer's Name	Randall Johnson
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Date	10/14/2008
Attachments	Answer to Opposition.pdf (5 pages)(109791 bytes)

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

In the Matter of Trademark Application Serial No. 77/395,849 for the mark
"PAULETTE" (stylized) filed by Paule and Gerard Koumetz and Published in the
Official Gazette on August 12, 2008

HOLDER SUISSE, SA,)
)
 Opposer,)
)
 v.)
)
 PAULE and GERARD KOUMETZ,)
)
 Applicants.)
 _____)

Opposition No. ~~91181896~~ 91186200

APPLICANTS' ANSWER TO OPPOSER'S NOTICE OF OPPOSITION

Applicants, Paule and Gerard Koumetz ("Applicants"), for their answer to the Notice of Opposition filed by Holder Suisse, SA ("Opposer") against registration of the mark "PAULETTE" (stylized), ("the Mark") pleads and avers as follows:

1. Answering paragraph 1 of the Notice of Opposition, Applicant admits the allegations thereof.
2. Answering paragraph 2 of the Notice of Opposition, Applicant admits the allegations thereof.
3. Answering paragraph 3 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

4. Answering paragraph 4 of the Notice of Opposition, Applicant denies the allegations that the mark "PAUL" is distinctive. As to the rest of the allegations contained within paragraph 4, Applicant does not have sufficient knowledge or information to form a belief and accordingly denies them.

5. Answering paragraph 5 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

6. Answering paragraph 6 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

7. Answering paragraph 7 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

8. Answering paragraph 8 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

9. Answering paragraph 9 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

10. Answering paragraph 10 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

11. Answering paragraph 11 of the Notice of Opposition, Applicant admits that it seeks to register the Mark, but denies each and every other allegation contained therein.

12. Answering paragraph 12 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

13. Answering paragraph 13 of the Notice of Opposition, Applicant admits that it may obtain at least a *prima facie* exclusive right to use the Mark in connection with the specified goods or services, but denies each and every other allegation contained therein

14. Answering paragraph 14 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

AFFIRMATIVE DEFENSES

15. There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicants' Mark and the pleaded marks of the Opposer are not confusingly similar.

16. There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicants' Mark is not confusingly similar to the pleaded marks of Opposer. Opposer's pleaded mark "PAUL" is a common name in the United States, whereas the stylized mark PAULETTE is not a person's name. Further, even if the stylized PAULETTE were to be mistaken as a name, it could not be confused with "PAUL".

17. There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicants' Mark is not confusingly similar to the pleaded marks of Opposer. The pleaded mark "PAUL" and Applicants' stylized mark "PAULETTE" are different in appearance, sound and meaning. If any similarity between "PAUL" and the stylized "PAULETTE" exists at all, it would be in the use of the four consecutive letters P-A-U-L. However, many companies have used the word or name "PAUL" in association with a multitude of products and services, but the stylized mark "PAULETTE" has never been used as a registered mark by any company or individual.

18. Opposer is unable to obtain relief under the Trademark Dilution Revision Act because his mark is not famous. Opposer is virtually unknown in the United States

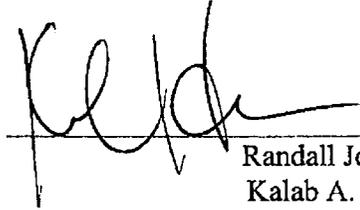
outside of the State of Florida as evidenced by the list of local newspapers and magazines that have covered him.

In view of the foregoing, Applicant contends that this opposition is groundless and baseless in fact; that Opposer has not shown wherein it will be, or is likely to be, damaged by the registration of Applicant's trademark; that Applicant's trademark is manifestly distinct from any alleged mark of the Opposer or any designation of the Opposer and Applicant prays that this Opposition be dismissed and that Applicant be granted registration of its trademark.

Date: October 14, 2008

Respectfully Submitted,

BY: VONDERWEIDT & JOHNSON

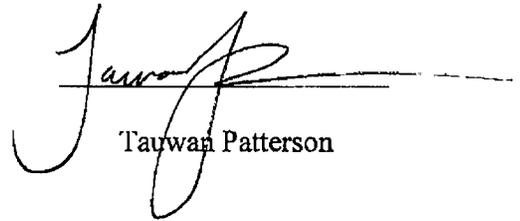


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**ATTORNEYS FOR APPLICANT
PAULE AND GERARD KOUMETZ**

Certificate of Service

I hereby certify that a copy of the foregoing **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION** was mailed first-class mail, postage prepaid, to Dwayne K. Goetzel of Meyertons, Hood, Kivlin, Kowert & Goetzel, P.C., P.O. Box 398, Austin, Texas 78767-0398, attorneys for Opposer, this 14th day of October, 2008.


Taiwan Patterson