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Filing date: **09/29/2008**

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

Proceeding	91186494
Party	Defendant Brown, Anthony
Correspondence Address	BROWN, ANTHONY 400 SW 25TH TER FT LAUDERDALE, FL 33312-1415  ablebody12@comcast.net
Submission	Answer
Filer's Name	Anthony Brown
Filer's e-mail	ablebody12@comcast.net
Signature	/Anthony Brown/
Date	09/29/2008
Attachments	koolanswer.pdf ( 3 pages )(88874 bytes )

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

.....  
KRAFT FOODS GLOBAL BRANDS LLC,

Opposition No. 91186494

Opposer

v.

Application Serial No. 77/355857

ANTHONY BROWN,

Published in the Official Gazette on  
July 22nd 2008

Applicant

MARK: KOOL

-----/  
**ANSWER**

Anthony Brown for its answer to the Opposition herein, responds as follows:

1. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1.
2. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2.
3. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3.
4. Applicant agrees with the allegations contained in Paragraph 4.
5. Applicant agrees with the allegations contained in Paragraph 5.
6. Denies the allegations contained in Paragraph 6.
7. Applicant agrees with the allegations contained in Paragraph 7.
8. Denies the allegations contained in Paragraph 8.

#### FIRST AFFIRMATIVE DEFENSE

9. The Notice of Opposition fails to state a claim upon which relief can be granted.

#### SECOND AFFIRMATIVE DEFENSE

10. There is no likelihood of confusion between the marks of the Opposer upon which Opposer bases this opposition as identified in the Notice of Opposition and Applicant's Mark.

#### THIRD AFFIRMATIVE DEFENSE

11. Applicant's use of its mark will not mistakenly be thought by the public to derive from the same source as Opposer's goods, nor will such use be thought by the public to be a use by Opposer or with Opposer's authorization or approval.

#### FOURTH AFFIRMATIVE DEFENSE

12. Applicant's mark, when used in connection with Applicant's goods, is not likely to cause confusion, or cause mistake, or to deceive as to the affiliation, connection, or association of Applicant with Opposer, or as to the origin, sponsorship, or approval of Applicant's goods by Opposer.
13. There may be additional affirmative defenses to the opposition alleged by Opposer that are currently unknown to Applicant. Applicant hereby reserves the right to amend this Answer to allege additional affirmative defenses in the event discovery or other information indicates they are appropriate.

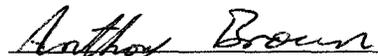
#### CONCLUSION

WHEREFORE, Anthony Brown. respectfully requests that the Opposer's Notice of

Opposition be dismissed with prejudice, that Applicant's KOOL mark be allowed to proceed to registration.

Dated September 25<sup>th</sup> 2008

Respectfully submitted,



Anthony Brown  
400 SW 25<sup>th</sup> Terrace  
Ft. Lauderdale, Fl. 33313

Representing Applicant, Pro Se

CERTIFICATE OF SERVICE

I hereby certify that on this 25<sup>th</sup> day of September 2008, a true and correct copy of the foregoing NOTICE OF OPPOSITION ANSWER was served by placing the same in the United States Mail Box, First Class, postage prepaid and addressed to the following:

Kraft Foods Global Brands LLC  
Att: Mr. Matthew Griffin  
Three Lakes Drive NF-577  
Northfield, IL 60093

  
Anthony Brown

Dated: September 25<sup>th</sup> 2008