

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

TTAB

IN THE MATTER OF APPLICATION

Mark :PEP51
Applicant :Bryce Kaneta-Ogata d/b/a BKO Enterprises
Serial No. :77/511,291
Filed :June 30, 2008
Published :November 25, 2008

Opposition No. :91188399
Filed :January 14, 2009

_____ x
PEPSICO, INC., :
: :
Opposer, : :
: :
v. : :
: :
BRYCE KANETA-OGATA, : :
: :
Applicant. : :
_____ x

NOTICE OF ANSWER

Applicant, Bryce Kaneta-Ogata d/b/a BKO Enterprises (“Applicant”), has received a Notice of Opposition, Opposition No. 91188399 with tracking ESTTA260563, filed on January 14, 2009 by PepsiCo, Inc. (hereinafter “Opposer”) for the registration of Serial No. 77/511,291 filed on June 30, 2008, a service mark defined by Class 039 as “on-line computer services for storing content items selected by users from Internet web pages” published in the Official Gazette on November 25, 2008.

The specific grounds for this answer to the Opposer are as follows:



02-17-2009

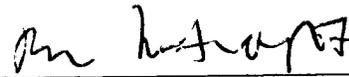
The Applicant maintains a service that makes use of the mark. The mark is the name of a service at the website pep51.com that complies with Class 039.

Applicant would like the Board to proceed with the registration of Serial No. 77/511,291.

Respectfully submitted,

Dated: February 11, 2009

By:



Bryce Kaneta-Ogata
336 Uilama Place
Hilo, HI 96720
(808) 936-0627

Attorney for Applicant,
d/b/a BKO Enterprises

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing, NOTICE OF ANSWER, was served on the Applicant via United States Postal Service courier, in an envelope with sufficient postage addressed to:

PAUL J. REILLY
BAKER BOTTS LLP
30 ROCKEFELLER PLAZA, 44TH FL.
NEW YORK, NY 10012

On February 11, 2009

By: _____
Bryce Kaneta-Ogata