

ESTTA Tracking number: **ESTTA284559**

Filing date: **05/18/2009**

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

Proceeding	91189629
Party	Defendant Multi Media Exposure, Inc.
Correspondence Address	MARK S. KAUFMAN KAUFMAN & KAHN, LLP 747 3RD AVE FL 32 NEW YORK, NY 10017-2803  kaufman@kaufmankahn.com
Submission	Answer
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Date	05/18/2009
Attachments	Answer.pdf ( 6 pages )(19027 bytes )



4. Denies having knowledge or information sufficient to admit or deny the allegations set forth in Paragraph 4 of the Complaint.
5. Denies having knowledge or information sufficient to admit or deny the allegations set forth in Paragraph 5 of the Complaint.
6. Admits the allegations set forth in Paragraph 6 of the Complaint.
7. Denies having knowledge or information sufficient to admit or deny the allegations set forth in Paragraph 7 of the Complaint.
8. Denies the allegations set forth in Paragraph 8 of the Complaint.
9. Deny the allegations set forth in Paragraph 9 of the Complaint.
10. Deny the allegations set forth in Paragraph 10 of the Complaint.
11. Deny the allegations set forth in Paragraph 11 of the Complaint, except admits that Applicant's intended use of PRINCE LORENZO BORGHESE'S LA DOLCE VITA is without the consent or permission of Opposer.
12. Deny the allegations set forth in Paragraph 12 of the Complaint.
13. Deny the allegations set forth in Paragraph 13 of the Complaint.
14. Deny the allegations set forth in Paragraph 14 of the Complaint.
15. Deny the allegations set forth in Paragraph 15 of the Complaint.
16. Denies having knowledge or information sufficient to admit or deny the allegations set forth in Paragraph 16 of the Complaint.
17. Deny the allegations set forth in Paragraph 17 of the Complaint, except to the extent the allegations reflect only what "Opposer believes" and as to those allegations, denies having knowledge or information sufficient to admit or deny the same.

**AS AND FOR A FIRST AFFIRMATIVE DEFENSE**

18. The registered marks PRINCESS MARCELLA BORGHESE (Reg. No. 3369371), BORGHESE (Reg. No. 1134398), BORGHESE (3387006) and BORGHESE (Reg. No. 3506702) (together, “Opposer’s Marks”) are not confusingly similar to Applicant’s PRINCE LORENZO BORGHESE’S LA DOLCE VITA mark (the “PRINCE LORENZO Mark”) because the Opposer’s Marks are not “strong” marks.

19. The Opposer’s Marks are not a “family of marks” and are not entitled to any protection for goods or services that are not set forth in their registrations.

20. Opposer has not opposed registration of third party marks incorporating the family name “Borghese.”

21. The Opposer’s Marks do not have secondary meaning outside of the goods or services set forth in their registrations.

22. Opposer’s Marks are not registered for use in connection with pet goods.

23. As a result of the foregoing, Opposer is not entitled to prevent registration and use of the PRINCE LORENZO Mark in connection with pet goods.

**AS AND FOR A SECOND AFFIRMATIVE DEFENSE**

24. PRINCE LORENZO Mark is substantively different in sound and appearance from the Opposer’s Marks.

**AS AND FOR A THIRD AFFIRMATIVE DEFENSE**

25. The Opposer’s Marks and the PRINCE LORENZO Mark are not confusingly similar because they are used in connection with different goods.

26. The PRINCE LORENZO Mark is intended to be used in connection with goods to be used on pets.

27. Upon information and belief, the goods sold in connection with the Opposer's Marks are not intended to be used on pets.

28. Upon information and belief, the goods sold in connection with the Opposer's Marks are not used on pets.

29. In the alternative, any use on pets of the goods sold in connection with the Opposer's Marks constitutes unintended use of such goods.

**AS AND FOR A FOURTH AFFIRMATIVE DEFENSE**

30. The Opposer's Marks and the PRINCE LORENZO Mark are not confusingly similar because they are marketed to different consumers.

**AS AND FOR A FIFTH AFFIRMATIVE DEFENSE**

31. The Opposer's Marks and the PRINCE LORENZO Mark are not confusingly similar because, upon information and belief, they are sold through different channels of trade.

**AS AND FOR A SIXTH AFFIRMATIVE DEFENSE**

32. Pet shampoos and conditioners – the goods intended to be sold in connection with the PRINCE LORENZO Mark -- are not a natural outgrowth or extension of the goods sold in connection with Opposer's Marks.

33. Upon information and belief, based on Opposer's Marks and other trademark applications filed by Opposer, Opposer has no bona fide intention to use Opposer's Marks in connection with pet goods.

34. It is unlikely that Opposer will bridge the gap between the cosmetics market and the pet goods market by offering a product like Applicant's.

**AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE**

35. Upon information and belief, there is no evidence of actual confusion between the Opposer's Marks and the Applicant's PRINCE LORENZO Mark.

**AS AND FOR A EIGHTH AFFIRMATIVE DEFENSE**

36. Applicant adopted the PRINCE LORENZO Mark in good faith.

37. The family name of each of Applicant's principals is "Borghese".

38. The PRINCE LORENZO Mark features the name of one of Applicant's principals, Lorenzo Borghese.

39. Mr. Borghese is a direct descendant of a noble Italian family and is literally entitled to be called "Prince".

40. Indeed, Mr. Borghese is the grandson of the "Princess Marcella Borghese" whose name comprises one of the Opposer's Marks.

41. Thus, Applicant's use of the PRINCE LORENZO Mark, in a line of goods that is unrelated to those sold in connection with Opposer's Marks, was in good faith.

**AS AND FOR A NINTH AFFIRMATIVE DEFENSE**

42. The fact that the PRINCE LORENZO Mark features both the first and last name of one of Applicant's principals eliminates any likelihood of confusion with Opposer's Marks.

**WHEREFORE**, Defendant-Applicant Multi Media Exposure, Inc. demands a decision by the TTAB: (a) dismissing with prejudice the claims of Plaintiff-Opposer Borghese Trademarks, Inc., in their entirety, and (b) directing the Commissioner of Patents and Trademarks to issue a Notice of Allowance for the mark PRINCE LORENZO BORGHESE'S LA DOLCE VITA.

Dated: New York, New York  
May 18, 2009

/Mark S. Kaufman/  
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