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

| | |
|---------------------------|--|
| Proceeding | 91193836 |
| Party | Defendant Zecals, Inc. |
| Correspondence Address | JOSEPH R. DREITLER BRICKER & ECKLER, LLP 100 S 3RD ST COLUMBUS, OH 43215-4291 trademarks@bricker.com |
| Submission | Answer |
| Filer's Name | Joseph R. Dreitler |
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| Signature | /Joseph R. Dreitler/ |
| Date | 03/19/2010 |
| Attachments | Answer.pdf (5 pages)(84025 bytes) |

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

IN THE MATTER OF: Trademark Application No. 77/650,202
STICKY LIFE

| | | |
|------------------------|---|-------------------------|
| AMERICAN COVERS, INC., | : | |
| | : | |
| Opposer, | : | Opposition No. 91193836 |
| | : | |
| v. | : | |
| | : | |
| ZECALS, INC., | : | |
| | : | |
| Applicant. | : | |

ANSWER TO NOTICE OF OPPOSITION

Applicant Zecals, Inc. ("Applicant"), through counsel, responds to Opposer American Covers, Inc.'s ("Opposer") Notice of Opposition to Applicant's application Serial No. 77/650,202, as follows:

In response to the first unnumbered paragraph of the Notice of Opposition, Applicant denies that Opposer will be damaged by the registration of the mark shown in their application Serial No. 77/650,202 and is without knowledge sufficient to admit or deny the remaining allegations contained there.

Applicant responds to the separately numbered paragraphs, as follows:

1. Applicant admits that it filed application Serial No. 77/650,202 on January 15, 2009 for the enumerated goods.
2. Applicant admits that the cited registration issued, but is without knowledge sufficient to admit or deny the remaining allegations contained in paragraph 2 of the Notice of Opposition.

3. Applicant is without knowledge sufficient to admit or deny the allegations in paragraph 3 of the Notice of Opposition.
4. Applicant is without knowledge sufficient to admit or deny the allegations in paragraph 4 of the Notice of Opposition.
5. Applicant states that Opposer is not likely to be damaged by the issuance of a registration for application Serial No. 77/650,202 and that such registration is not likely to cause confusion with any registration cited by Opposer.
6. Applicant denies the allegations contained in paragraph 6 of the Notice of Opposition.

FIRST DEFENSE

Opposer has failed to state a claim upon which the requested relief can be granted.

SECOND DEFENSE

Applicant's mark, Serial No. 77/650,202, does not so resemble Opposer's alleged trademark "Sticky Pad" for a nonslip pad used in vehicles to hold objects on dashboards as to be likely to cause confusion, mistake and/or deception under Section 2(d).

THIRD DEFENSE

Opposer's alleged mark "Sticky Pad" is not for paper products in Class 16 like Applicant's mark; it is classified under furniture in International Class 20.

FOURTH DEFENSE

Opposer's alleged mark "Sticky Pad" for a pad that sticks to dashboards of vehicles is highly descriptive and is, at best, a very weak trademark entitled to a narrow scope of protection.

Respectfully submitted,



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Attorneys for Applicant
Zecals, Inc.

Date: March 19, 2010

CERTIFICATE OF FILING

I hereby certify that this pleading is being filed electronically through on-line TTAB filing system, ESTTA on March 19, 2010.

A handwritten signature in black ink, reading "Joseph R. Dreitler", written over a horizontal line.

Joseph R. Dreitler

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and accurate copy of the foregoing was served via e-mail to dejonge@tnw.com and by first class mail, postage prepaid, this 19th day of March, 2010 upon the following attorney for Opposer:

Peter M. de Jonge
Thorpe, North & Western LLP
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Joseph R. Dreitler