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Filing date: **02/07/2011**

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

Proceeding	91195961
Party	Defendant Kelly Van Halen
Correspondence Address	DON THORNBURGH DON THORNBURGH LAW CORPORATION 466 FOOTHILL BLVD , # 220 LA CANADA FLINTRIDGE, CA 91011-3518 UNITED STATES uspto@donthornburgh.com
Submission	Answer
Filer's Name	Don Thornburgh
Filer's e-mail	uspto@donthornburgh.com
Signature	/don thornburgh/
Date	02/07/2011
Attachments	91195961_Answer to Amended Complaint.pdf (5 pages)(17446 bytes)

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

ELVH, Inc.,)	
)	
Opposer,)	
)	
v.)	
)	
Kelly Van Halen,)	Opposition No. 91195961
)	
Applicant.)	
)	
_____)	
)	
Mark: KELLYVANHALEN)	
)	
Serial No. 77/919644, 77/919645)	
)	
Filed: January 28, 2010)	
)	
Published: June 8, 2010)	
_____)	

ANSWER

Applicant Kelly Van Halen answers the Amended Opposition as follows:

COUNT ONE

1. Kelly Van Halen is without knowledge or information sufficient to form a belief as to the truth of any of the allegations of paragraph 1, and on that basis, denies those allegations.

2. Kelly Van Halen is without knowledge or information sufficient to form a belief as to the truth of any of the allegations of paragraph 2, and on that basis, denies those allegations.

3. Kelly Van Halen is without knowledge or information sufficient to form a belief as to the truth of any of the allegations of paragraph 3, and on that basis, denies those allegations.

4. Kelly Van Halen is without knowledge or information sufficient to form a belief as to the truth of any of the allegations of paragraph 4, and on that basis, denies those allegations.

5. Denied.

6. Denied.

7. Denied.

8. Denied.

COUNT TWO

9. Kelly Van Halen is without knowledge or information sufficient to form a belief as to the truth of any of the allegations of paragraphs 1 through 4, and on that basis, denies those allegations. The allegations set forth in paragraph 5 through 8 are denied.

10. Kelly Van Halen is without knowledge or information sufficient to form a belief as to the truth of any of the allegations of paragraph 10, and on that basis, denies those allegations.

11. Denied.

12. Denied.

COUNT THREE

13. Kelly Van Halen is without knowledge or information sufficient to form a belief as to the truth of any of the allegations of paragraphs 1 through 4 and paragraph 10, and on that basis, denies those allegations. The allegations set forth in paragraph 5 through 8 and paragraphs 11 and 12 are denied.

14. Admitted.

15. Kelly Van Halen is without knowledge or information sufficient to form a belief as to the truth of any of the allegations of paragraph 15, and on that basis, denies those allegations.

16. Kelly Van Halen admits that Opposer has propounded a request for documents, a response to which is being sent concurrently with this filing.

17. Denied.

18. Denied.

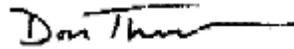
SEPARATE DEFENSES

1. Opposer fails to state a claim upon which relief can be granted.
2. Applicant possesses rights superior to the alleged rights claimed by Opposer.

WHEREFORE, Applicant respectfully requests that the opposition be dismissed and that be judgment entered in favor of Applicant.

Dated: February 7, 2011

Respectfully submitted,
Don Thornburgh Law Corporation
466 Foothill Boulevard #220
La Cañada Flintridge, CA 91011



Don Thornburgh
for Don Thornburgh Law Corporation

Attorney for Applicant,
Kelly Van Halen

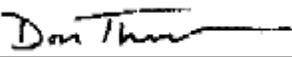
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Proof of Service

I hereby certify that a true and complete copy of the foregoing ANSWER has been served on the attorney of record for Opposer ELVH, Inc., at the correspondence address of record in the records of the USPTO, by mailing said copy on February 7, 2011, via First Class Mail, postage prepaid to:

Jeffrey R. Cohen, Esq.
Millen White Zelano & Branigan
2200 Clarendon Boulevard, Suite 1400
Arlington, VA 22201



Don Thornburgh
for Don Thornburgh Law Corporation