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

Proceeding	91197285
Party	Defendant The Fry Girl Inc.
Correspondence Address	BEALS, SHELLEY THE FRY GIRL INC. 2052 W 146TH ST GARDENA, CA 90249-3228 minidonutgirl@aol.com
Submission	Answer
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Signature	/John W. Fagerholm/
Date	12/08/2010
Attachments	TTABAnswer.12.08.2010.pdf (5 pages)(98622 bytes)

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

Opposition No.: 91197285 (the “Opposition”)

In the matter of trademark application Serial No. 77938265

For the mark: “THE FRY GIRL, INC.”

Filed on: February 17, 2010

Published in the Official Gazette on: July 20, 2010

Jimlar Corporation

v.

The Fry Girl, Inc.

ANSWER TO NOTICE OF OPPOSITION

Answering Party

The Fry Girl, Inc.
c/o M.E.T.A.L. LAW GROUP, LLP
5757 Wilshire Boulevard, Penthouse 3
Los Angeles, CA 90036
Attn: John W. Fagerholm, Esq.

COMES NOW defendant The Fry Girl, Inc. (“Fry Girl”), and herewith answers the Opposition brought by Jimlar Corporation (“Jimlar”) as follows:

1. Admit.
2. Admit.
3. Admit.
4. Admit.
5. Fry Girl does not have the information to admit or deny.
6. Admit.

7. Fry Girl does not have the information to admit or deny.

8. Fry Girl does not have the information to admit or deny.

9. Admit.

10. Admit.

11. Admit.

12. Admit.

13. Admit.

14. Admit in part. Fry Girl admits the allegations set forth in the first sentence.

Fry Girl denies the boots worn by the woman in Fry Girl's trademark are "prominent" to the image.

15. Deny.

16. Admit in part. Since this paragraph incorporates paragraphs 1 through 15 by reference, Fry Girl incorporates its answer to paragraphs 1 through 15 as if set forth fully herein.

17. Admit.

18. Deny.

19. Deny.

20. Deny.

21. Deny.

22. Deny.

23. Admit in part. Since this paragraph incorporates paragraphs 1 through 22 by reference, Fry Girl incorporates its answer to paragraphs 1 through 22 as if set forth fully herein.

24. Deny.

25. Deny.

26. Deny.

AFFIRMATIVE DEFENSES, AVOIDANCES, AND ARGUMENTS

1. FOR A FURTHER, SEPARATE AND DISTINCT DEFENSE, Fry Girl alleges the Opposition and each allegation contained therein, fails to state facts sufficient to constitute a claim upon which relief can be granted.

2. FOR A FURTHER, SEPARATE AND DISTINCT DEFENSE, Fry Girl is informed and believes, and thereupon alleges, that the Opposition was filed without merit and for improper reasons, namely to hinder Fry Girl's business.

3. FOR A FURTHER, SEPARATE AND DISTINCT DEFENSE, Fry Girl is informed and believes, and thereupon alleges, that the Opposition is a frivolous matter.

4. FOR A FURTHER, SEPARATE AND DISTINCT DEFENSE, pursuant to case law and the Trademark Trial and Appeal Board Manual of Procedure, the Board does not determine the right of use, infringement, nor may it decide broader questions of infringement or unfair competition.

5. FOR A FURTHER, SEPARATE AND DISTINCT DEFENSE, Fry Girl is informed and believes, and thereupon alleges, that Jimlar is barred from any recovery sought in the Opposition because the Fry Girl Mark is not confusingly similar to Jimlar's Trademark.

6. FOR A FURTHER, SEPARATE AND DISTINCT DEFENSE, Fry Girl is informed and believes, and thereupon alleges, that Jimlar is barred from any recovery sought in the Opposition because there is no likelihood of confusion between the Fry Girl Mark and Jimlar's Trademark.

7. Fry Girl is informed and believes, and thereupon alleges, that it may have additional defenses not currently available and that may be available after completion of discovery and therefore reserve the right to set forth additional defenses as information becomes available.

WHEREFORE, Fry Girl prays that this Board deny Jimlar's Notice of Opposition and dismiss the same with prejudice.

Dated: December 8, 2010

Respectfully submitted,

M.E.T.A.L. LAW GROUP, LLP
Attorneys for defendant Fry Girl, Inc.

By:



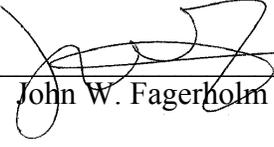
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served via Federal Express, overnight delivery, postage prepaid, on this 8th day of December 2010, upon the attorney of record for Opposer:

Robert L. Epstein, Esq.
Epstein Drangel, LLP
One Grand Central Place
60 East 42nd Street, Suite 2410
New York, New York 10165

By: _____


John W. Fagerholm