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

Proceeding	91199581
Party	Defendant Christina Goerner
Correspondence Address	CHRISTINA GOERNER CHRISTINA GOERNER HODAFEL BUILDING 196 ACTON RD ANNAPOLIS, MD 21403 bartbags@verizon.net
Submission	Answer
Filer's Name	Christina Goerner
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Signature	/Christina Goerner/
Date	06/02/2011
Attachments	060311AnswerOppositionNo91199581.pdf (8 pages)(318321 bytes)

3. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 3 of the Notice of Opposition, and therefore denies them.

4. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 4 of the Notice of Opposition, and therefore denies them.

5. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 5 of the Notice of Opposition, and therefore denies them.

6. Applicant admits that, on August 31, 2010, an intent-to-use application was filed before the U.S. Patent and Trademark Office to register the mark CATHERINE HUDSON in connection with "Sports and ready wear, namely, suits, slacks, trousers, shorts, jackets, blazers, dress shirts, knit shirts, sweater, blouses, skirts, coats and dresses, handbags, belts, gloves, hats, scarves, evening wear, namely, gowns, short dresses, pants and tunics, caps, undergarments, sleepwear, loungewear, and swimwear and all purpose footwear excluding orthopedic footwear" in International Class 25. Applicant lacks sufficient information to form a belief as to the truth or falsity of the remaining allegations in Paragraph 6 of the Notice of Opposition, and therefore denies them.

7. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 1 of the Notice of Opposition, and therefore denies them.

8. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 8 of the Notice of Opposition, and therefore denies them.

9. Applicant acknowledges there is no allegations in Paragraph 9 of the Notice of Opposition, and therefore cannot admit or deny them.

10. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 10 of the Notice of Opposition, and therefore denies them.

11. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 11 of the Notice of Opposition, and therefore denies them.

12. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 12 of the Notice of Opposition, and therefore denies them.

AFFIRMATIVE DEFENSES & ALLEGATIONS

13. Applicant avers that Opposer's Notice of Opposition was never received or served upon Applicant or mailed to Applicant's address: 196 Acton Road, Annapolis, Maryland 21403, and that Applicant only received Opposer's Notice of Opposition from

the United States Patent and Trademark Office by e mail addressed to bartbags@verizon.net Therefore, Applicant requests a sworn "Certificate of Service" on Applicant by Opposer.

14. Applicant admits that, on August 31, 2010 an application for mark CATHERINE HUDSON was filed, for goods and services classified in Classes IC 025; US 022 039; G&S: Sports and ready wear - namely, suits, slacks, trousers, shorts, jackets, blazers, dress shirts, knit shirts, sweater, blouses, skirts, coats and dresses, handbags, belts, gloves, hats, scarves, evening wear, namely, gowns, short dresses, pants and tunics, caps, undergarments, sleepwear, loungewear, and swimwear and all purpose footwear excluding orthopedic footwear International Class 25

15. Applicant admits that, on December 13, 2010, the Examining Attorney of the U.S. Patent and Trademark Office issued an Office Action in Application Serial No. 85119450 for the mark CATHERINE HUDSON , asserting Name in Mark Statement Required; Filing Basis Required; and Amended Identification of Good Required; and Good in Two Classes; Multiple-Class Application Requirements and which was emailed to Applicant at bartbags@verizon.net .

16. Applicant admits that, on February 7, 2011, a response to an Office Action was filed, including an amendment deleting the description of goods and services submitted in original application and substituted with the following; "Sports and ready wear, namely, suits, slacks, trousers, shorts, jackets, blazers, dress shirts, knit shirts, sweater, blouses, skirts, coats and dresses, belts, gloves, hats, scarves, evening wear, namely, gowns, short dresses, pants and tunics, caps, undergarments, sleepwear,

loungewear, and swimwear and all purpose footwear excluding orthopedic footwear International Class 25". whereby "handbags" was removed since it was Classified in Class 18.

In addition, Applicant submitted a verified statement stating Applicant had a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application as of the filing date of the application.

Applicant also acknowledged to the best of her knowledge and belief, CATHERINE HUDSON did not identify a particular living individual.

A copy of the response was timely faxed to the Examining Attorney along with a Certificate of Facsimile Transmission Pursuant to 37 C.F. R. §1.8 to 571-273-9108 (fax number of Examining Attorney at the U.S.P.T.O.).

17. Applicant admits that, on March 28, 2011, the Examining Attorney of the U.S. Patent and Trademark Office issued a Notice of Publication in Application Serial No. 85119450 for the mark CATHERINE HUDSON, stating the mark would be published in the Trademark Official Gazette (OB) on March 29, 2011.

18. Applicant's trademark application for the mark CATERHINE HUDSON was deemed by the Trademark Examining Attorney at the United States Patent and Trademark Office to have met the initial requisite trademark registration requirements.

19. Applicant's mark CATHERINE HUDSON is distinctive, unique and distinguishable over Opposer's mark HUDSON.

20. Opposer's grounds for opposition of priority and likelihood of confusion is weak and invalidated as evidenced by the numerous registered marks already incorporating the term HUDSON for goods in international Class 025, including without limitation, the trademarks REECE HUDSON, HUDSON OUTERWEAR, HUDSON & COOK, THE HUDSON STREET FIT, JENNIFER HUDSON, HUDSON'S BAY COMPANY, CAMILLE HUDSON, HARVIE & HUDSON, HUDSON, HUDSON VALLEY RENEGAES, HUDSON 7 COOK and DOC HUDSON under Registration Numbers 77781204, 77515910, 3056233, 77544183, 77623744, 77027056, 2842237, 1095302, 2753910, 3060917, 3056233, and 3392827, respectively.

21. Applicant requests the Board to investigate the Opposer's extensive use of Extension of Times in all pending Oppositions filed against other Applicants, and deems that Opposer uses Extension of Times in a hostile manner to block Applicant's process and Applicant's right to use its mark in accord with the fair trade laws.

22. Opposer's claims are unjustified and implies Opposer's intent to establish a monopoly on the word "Hudson" and is therefore unlawful over the United States fair trade laws that allow individuals to legally claim such rights in the United States. There is no legal implication that there would be any confusion by Applicant's use of the mark "CATHERINE HUDSON". No one individual has a right to claim exclusive use of the word "Hudson."

23. Opposer will not be damaged by the issuance to Applicant of the registration sought either by confusion of the mark or in any other manner, as exhibited by other marks which use the word "Hudson".

24. Opposer's goods under the HUDSON trademark specify a limited area of women's apparel, namely jeans.

25. Opposer has failed to state a claim upon which "confusion" of the mark "CATHERINE HUDSON" is implied.

26. Applicant reserves all affirmative defenses under Rule 8(c) of the Federal Rules of Civil Procedure, the Lanham Act, and any other defenses at law or in equity, which may now exist or in the future be available based on discovery and further factual investigation in this case.

WHEREFORE, Applicant prays that this opposition be dismissed with prejudice and that Applicant's mark be granted registration.

Respectfully Submitted,

/ Christina Goerner/

Dated: June 3, 2011

Christina Goerner, Applicant
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CERTIFICATE OF SERVICE

I hereby certify that on this 3rd day of June 2011, that a true copy and a correct copy of the foregoing Answer was served by the United States first class mail, certified mail and return receipt requested, and postage prepaid, on counsel for Opposer at the following address of record:

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/Christina Goerner/

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Date: June 3, 2011