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

Proceeding	91199879
Party	Defendant Stylistics Los Angeles Car Club, Inc.
Correspondence Address	JORGE LUIS RAMIREZ STYLISTICS LOS ANGELES CAR CLUB INC 8732 DORIAN STREET DOWNEY, CA 90242-5218 UNITED STATES
Submission	Answer
Filer's Name	Christina S. Loza
Filer's e-mail	tina@lozaip.com, docketing@lozaip.com
Signature	/Christina S. Loza/
Date	06/27/2011
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE
THE TRADEMARK TRIAL AND APPEAL BOARD

Gilbert Lerma Jr., d/b/a Stylistics Car Club,

Opposer,

v.

Stylistics Los Angeles Car Club, Inc., a
California Corporation

Applicant.

Opposition No. 91199879

Mark: STYLISTICS

Serial No.: 76/700,391

Filed: November 16, 2009

Published: April 19, 2011

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant Stylistics Los Angeles, Car Club, Inc. ("Applicant") answers the Notice of Opposition as follows:

1. Denied.
2. Denied.
3. Denied.
4. Denied.
5. Denied.
6. Admit.
7. Admit.
8. Admit.
9. Denied.
10. Denied.

11. Denied.

12. Denied.

13. Denied.

14. At this time, Applicant has insufficient information to either admit or deny this allegation and therefore denies this allegation.

15. Denied

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

(NO LIKELIHOOD OF CONFUSION)

1. There is no likelihood of confusion, mistake or deception on the part of consumers arising out of the conduct alleged in the Opposition.

SECOND AFFIRMATIVE DEFENSE

(FAIR USE)

2. Applicant alleges that, to the extent it used any of Opposer's trademarks or other intellectual property, such use was fair use and, therefore, not actionable.

THIRD AFFIRMATIVE DEFENSE

(SUPERIOR AND PRIOR RIGHTS)

3. Applicant alleges that it has superior and prior rights to the mark at issue.

FOURTH AFFIRMATIVE DEFENSE

(REGISTRATION WITH RESTRICTION)

4. Applicant alleges that it is entitled, at the very least, to proceed to registration as a Collective Membership Mark.

FIFTH AFFIRMATIVE DEFENSE

(DISSIMILAR COMMERCIAL IMPRESSION)

5. The design marks associated with both parties' are so dissimilar that it would not create the same overall impression when viewed separately by the ordinary consumer.

SIXTH AFFIRMATIVE DEFENSE

(NO CONFUSION AS TO SOURCE OR AFFILIATION)

6. Ordinary consumers will not confuse or conclude that the parties' services share a common source or affiliation or connection.

SEVENTH AFFIRMATIVE DEFENSE

(ABANDONMENT)

7. Applicant alleges that use of the mark only occurred after Opposer ceased exclusive, substantial and continuous use in commerce.

EIGHTH AFFIRMATIVE DEFENSE

(ACQUIESCENCE AND CONSENT)

8. Applicant alleges that, to the extent it used any of Opposer's marks, Opposer consented and acquiesced to such use.

NINTH AFFIRMATIVE DEFENSE

(WAIVER)

9. Applicant alleges that Opposer has waived any claims against Applicant arising out of the matters alleged in the Opposition.

TENTH AFFIRMATIVE DEFENSE

(LACHES)

10. Applicant alleges that the Opposition, and each purported claim for relief alleged therein, are barred by the doctrine of laches.

ELEVENTH AFFIRMATIVE DEFENSE

(GOOD FAITH)

11. Applicant alleges that it acted in good faith with respect to the matters alleged in the Opposition.

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PRAYER

Accordingly, Applicant prays that the Opposition proceedings are dismissed with prejudice and that Applicant's application proceed to issuance and registration.

Respectfully submitted,

Dated: June 27, 2011

By: /christina s. loza/

Christina S. Loza, Esq.
Loza & Loza, LLP
305 North Second Avenue, #127
Upland, CA 91786
Telephone: 949-705-6777
Fax: 949-608-8934
Email: tina@lozaip.com
Attorney for Applicant,
Stylistics Los Angeles Car Club, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION** was mailed on June 27, 2011 via first-class mail, postage prepaid, to:

Linda H. Liu, Esq.
Knobbe, Martens, Olson & Bear, LLP
2040 Main Street, 14th Floor
Irvine, CA 92614

_____/christina s. loza/
Christina S. Loza