

ESTTA Tracking number: **ESTTA426580**

Filing date: **08/23/2011**

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

Proceeding	91200788
Party	Defendant PILI CARRERA, S.A.
Correspondence Address	Justin R. Young DINEFF TRADEMARK LAW LIMITED 160 North Wacker Drive Chicago, IL 60606 tmlaw@dineff.com
Submission	Answer
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Date	08/23/2011
Attachments	Answer to Opposition 91200788 - 8-23-11.pdf (6 pages)(44953 bytes)

2. Answering Paragraph 2 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies all the allegations, leaving Opposer to its strict proof at trial.

3. Answering Paragraph 3 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies all the allegations, leaving Opposer to its strict proof at trial.

4. Answering Paragraph 4 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies all the allegations, leaving Opposer to its strict proof at trial.

5. Answering Paragraph 5 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies all the allegations, leaving Opposer to its strict proof at trial.

6. Answering Paragraph 6 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies all the allegations, leaving Opposer to its strict proof at trial.

7. Answering Paragraph 7 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies all the allegations, leaving Opposer to its strict proof at trial.

8. Answering Paragraph 8 of the Notice of Opposition, Applicant admits that Applicant filed the Application No. 76/403836 for the mark "PILI CARRERA" but clarifies that said application not only covers the goods opposed herein, namely, "*footwear, namely, boots, shoes and sandals; clothing, namely, belts, blazers, blouses, cardigans,*

jeans, over coats, sports coats, gloves, golf shirts, leather jackets, neckties, polo shirts, pullovers, socks, sweatshirts, skirts, t-shirts” in International Class 25, but it also covers other goods in International Classes 3, 18 and 24 not subject of the present opposition.

9. Answering Paragraph 9 of the Notice of Opposition, Applicant denies each and every allegation contained therein and demands Opposer provides specific proof thereof.

10. Answering Paragraph 10 of the Notice of Opposition, Applicant denies each and every allegation contained therein and demands Opposer provides specific proof thereof.

11. Answering Paragraph 11 of the Notice of Opposition, Applicant denies each and every allegation contained therein and demands Opposer provides specific proof thereof.

12. Answering Paragraph 12 of the Notice of Opposition, Applicant denies each and every allegation contained therein and demands Opposer provides specific proof thereof.

13. Answering Paragraph 13 of the Notice of Opposition, Applicant denies each and every allegation contained therein and demands Opposer provides specific proof thereof.

14. Answering Paragraph 14 of the Notice of Opposition, Applicant denies each and every allegation contained therein and demands Opposer provides specific proof thereof.

15. Answering Paragraph 15 of the Notice of Opposition, Applicant denies each and every allegation contained therein and demands Opposer provides specific proof thereof.

16. Answering Paragraph 16 of the Notice of Opposition, Applicant denies each and every allegation contained therein and demands Opposer provides specific proof thereof.

17. Answering Paragraph 17 of the Notice of Opposition, Applicant denies each and every allegation contained therein and demands Opposer provides specific proof thereof.

18. Answering Paragraph 18 of the Notice of Opposition, Applicant denies each and every allegation contained therein and demands Opposer provides specific proof thereof.

AFFIRMATIVE DEFENSES

1. Opposer's Notice of Opposition fails to state legally sufficient grounds for sustaining the opposition.

2. There is no likelihood of confusion between Applicant's mark and Opposer's marks because, among other things, the marks are different in appearance, meaning, and overall commercial impression.

3. There is no likelihood of confusion between Applicant's mark and Opposer's marks because, among other things, the goods provided in connection with the marks are very different, unrelated, provided in different channels of trade and would not be encounter by the same consumer in the marketplace.

4. No damage or injury has resulted, will result, or is likely to result to Opposer from the registration of Applicant's mark due to, among other factors, the difference between the marks and the distinct and different nature of each party's goods/services provided with their marks.

5. The marks are distinctive of each other and no likelihood of confusion exists.

6. Opposer has failed to show how it reasonably believes that it will be damaged by the registration of Applicant's mark.

In view of the foregoing, Applicant contends that this opposition is groundless and baseless in fact; that Opposer has not shown wherein it will be, or is likely to be, damaged by the registration of Applicant's mark; that Applicant's mark is manifestly distinct from any alleged mark of the Opposer or any designation of the Opposer; that Applicant's mark and the goods covered thereby are different from Opposer's mark. Consequently, Applicant prays that this Opposition be dismissed and that Applicant be granted registration of its trademark.

Pili Carrera, S.A.
By and through they attorney



Dated: August 23, 2011

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Certificate of Service

I hereby certify that a copy of the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION was served this date August 23, 2011 upon Opposer's Attorney address of record by First-Class mail, postage prepaid, as follows:

Michael F. Snyder
Volpe and Koenig, P.C.
30 S. 17th Street
Philadelphia, PA 19103
Phone Number: (215) 568-6400



Justin R. Young