

ESTTA Tracking number: **ESTTA433003**

Filing date: **09/29/2011**

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

Proceeding	91201277
Party	Defendant Cexy Cinnabunns LLC
Correspondence Address	CEXY CINNABUNNS LLC CEXY CINNABUNNS LLC 205 QUINCY ST BROOKLYN, NY 11216-1380 UNITED STATES ruffrox2006@hotmail.com
Submission	Answer
Filer's Name	raymond shaw
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Signature	/ R Shaw /
Date	09/29/2011
Attachments	NYDOCS1-#947669-v-_Answer_to_Opposition.PDF (3 pages)(1465221 bytes)

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

In the matter of trademark application Serial No. 85/114862
For the mark C CEXYCINNABUNNS
Published in the *Official Gazette* on February 22, 2011

CHLOÉS S.A.S.,	:	
	:	Opposition No. 91/201277
	:	
Opposer,	:	
	:	
-against-	:	
	:	
CEXY CINNABUNNS LLC,	:	
	:	
Applicant.	:	

ANSWER TO NOTICE OF OPPOSITION

Applicant Cexy Cinnabunns LLC, a New York limited liability company, for its answer to Opposer's Notice of Opposition herein, alleges as follows:

1. States that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 of the Notice of Opposition.
2. States that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2 of the Notice of Opposition.
3. As to paragraph 3 of the Notice of Opposition, states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations thereof, except denies that Opposer's registration is valid in the event that Opposer's mark is found to be confusingly similar to Applicant's mark (which Applicant denies), in that Applicant's predecessor in interest used Applicant's mark in commerce in the United States prior to the priority date of December 16, 2009, which Opposer alleges for Opposer's mark.

4. Admits the allegations of paragraph 4 of the Notice of Opposition.
5. Admits the allegations of paragraph 5 of the Notice of Opposition.
6. Denies the allegations of paragraph 6 of the Notice of Opposition.
7. Denies the allegations of paragraph 7 of the Notice of Opposition.
8. Denies the allegations of paragraph 8 of the Notice of Opposition.
9. Denies the allegations of paragraph 9 of the Notice of Opposition.
10. Denies the allegations of paragraph 10 of the Notice of Opposition.

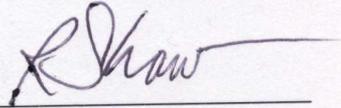
FIRST AFFIRMATIVE DEFENSE

11. Applicant's C CEXYCINNABUNNS and design mark is, as found by the Examining Attorney, not confusingly similar to Opposer's mark and is not likely to cause confusion, cause mistake or deceive the public in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

WHEREFORE, it is respectfully request that Opposer's Opposition be denied in its entirety.

Dated: Brooklyn, New York
October 1, 2011

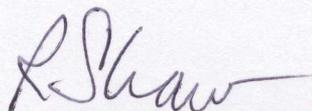
CEXY CINNEBUNNS LLC

By 
Raymond Shaw, Owner

CERTIFICATE OF SERVICE

I hereby certify that on October 1, 2011, I caused a true and correct copy of the foregoing ANSWER TO NOTICE OF OPPOSITION to be served by First Class U.S. mail, postage prepaid, on Opposer's counsel and domestic representative at the following address:

Fross Zelnick Lehrman & Zissu, P.C.
Attn: John P. Margiotta, Esq.
866 United Nations Plaza
New York, New York 10017

A handwritten signature in cursive script, appearing to read "R. Shaw", written in dark ink. The signature is positioned above a horizontal line.

Raymond Shaw