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

Proceeding	91201826
Party	Defendant Sigler Companies, Inc.
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Date	11/03/2011
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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TSDC, LLC,)	
)	
Opposer,)	
)	Opposition No. 91201826
)	
v.)	
)	Serial No. 85975179
SIGLER COMPANIES, INC.,)	
)	
Applicant.)	

ANSWER TO NOTICE OF OPPOSITION

Applicant, SIGLER COMPANIES, INC. (“Applicant”), avers as follows as its ANSWER TO NOTICE OF OPPOSITION filed by TSDC, LLC (“Opposer”), with respect to the corresponding paragraphs of the NOTICE OF OPPOSITION:

1. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 1, and, therefore, denies those allegations.
2. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 2, and, therefore, denies those allegations.
3. The allegations of paragraph 3 are denied.
4. The allegations of paragraph 4 are denied.
5. The allegations of paragraph 5 are denied.
6. The allegations of paragraph 6 are denied.

7. Applicant admits that Opposer has used the FIGHT LIKE A GIRL CLUB and FIGHT LIKE A GIRL CLUB CLAIM YOUR POWER marks in connection with some products or services. Applicant admits Opposer has used the FIGHT LIKE A GIRL phrase. All remaining allegations are denied.
8. Applicant admits the records of the U.S. Patent and Trademark Office as reflected at www.uspto.gov appear to reflect that Opposer owns Application Serial No. 85022163 for the mark FIGHT LIKE A GIRL CLUB CLAIM YOUR POWER for organizing and providing an on-line support group for those who suffer or are affected by ailments and life-threatening diseases in International Class 045. All remaining allegations are denied.
9. Applicant admits the records of the U.S. Patent and Trademark Office as reflected at www.uspto.gov appear to reflect that Opposer filed an Amendment to Allege Use for Application Serial No. 88022163 for the mark FIGHT LIKE A GIRL CLUB CLAIM YOUR POWER on July 8, 2010. All remaining allegations are denied.
10. Applicant admits the records of the U.S. Patent and Trademark Office as reflected at www.uspto.gov appear to reflect an alleged date of first use in commerce of at least as early as May 12, 2010 for organizing and providing a forum for the interaction between those who suffer or are affected by ailments and life-threatening diseases for Application Serial No. 85022163 for the mark

FIGHT LIKE A GIRL CLUB CLAIM YOUR POWER. All remaining allegations are denied.

11. Applicant admits the records of the U.S. Patent and Trademark Office as reflected at www.uspto.gov appear to reflect that TSDC owns Application Serial No. 85082681 for the mark FIGHT LIKE A GIRL CLUB for jewelry in International Class 014, certain identified clothing in International Class 025, and organizing and providing an on-line support group for those who suffer or are affected by ailments and life-threatening diseases in International Class 045. All remaining allegations are denied.

12. Applicant admits the records of the U.S. Patent and Trademark Office as reflected at www.uspto.gov appear to reflect that Application Serial No. 85082681 for the mark FIGHT LIKE A GIRL CLUB was filed on July 12, 2010 and bears an alleged date of first use in commerce of at least as early as July 9, 2010 for jewelry and certain identified clothing and an alleged date of first use in commerce of at least as early as May 12, 2010 for organizing and providing an on-line support group for those who suffer or are affected by ailments and life-threatening diseases. All remaining allegations are denied.

13. Applicant admits Exhibits 1 and 2 to the NOTICE OF OPPOSITION appear to be copies of the USPTO TESS database records for Application Serial Nos. 85022163 and 85082681 ,dated 9/28/2011, as reflected at www.uspto.gov. All remaining allegations are denied.

14. Applicant admits that Opposer has used the FIGHT LIKE A GIRL CLUB CLAIM YOUR POWER mark in connection with some services. Applicant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies those allegations.
15. Applicant admits that Opposer has used the FIGHT LIKE A GIRL CLUB mark in connection with some services. Applicant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations and, therefore, denies those allegations.
16. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 16 and, therefore, denies those allegations.
17. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 17 and, therefore, denies those allegations.
18. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 18 and, therefore, denies those allegations.
19. Applicant admits the allegations of paragraph 19.
20. Applicant admits the allegations of paragraph 20.
21. Applicant admits the allegations of paragraph 21.
22. Applicant admits the allegations of paragraph 22.
23. Applicant denies the allegation of "OPPOSER'S FIGHT LIKE A GIRL mark" and, therefore, denies the allegations of paragraph 23.

24. Applicant denies the allegation of "OPPOSER'S FIGHT LIKE A GIRL mark" and, therefore, denies the allegations of paragraph 24.
25. Applicant admits that the phrase "FIGHT LIKE A GIRL" is contained in Opposer's FIGHT LIKE A GIRL CLUB CLAIM YOUR POWER and FIGHT LIKE A GIRL CLUB marks. Any remaining allegations are denied.
26. Applicant admits that the phrase "FIGHT LIKE A GIRL" is contained in Opposer's FIGHT LIKE A GIRL CLUB CLAIM YOUR POWER and FIGHT LIKE A GIRL CLUB marks. Any remaining allegations are denied.
27. Applicant admits that the phrase "FIGHT LIKE A GIRL" is contained in Opposer's FIGHT LIKE A GIRL CLUB CLAIM YOUR POWER and FIGHT LIKE A GIRL CLUB marks. Any remaining allegations are denied.
28. Applicant admits that the phrase "FIGHT LIKE A GIRL" is contained in Opposer's FIGHT LIKE A GIRL CLUB CLAIM YOUR POWER and FIGHT LIKE A GIRL CLUB marks. Any remaining allegations are denied.
29. Applicant admits that the phrase "FIGHT LIKE A GIRL" is contained in Opposer's FIGHT LIKE A GIRL CLUB CLAIM YOUR POWER and FIGHT LIKE A GIRL CLUB marks. Applicant affirmatively states that the commercial impression and connotation of any mark depends on numerous factors, including but not limited to the goods and/or services in connection with which such mark is used as well as the knowledge and perception of the consumers.

Any remaining allegations are denied for lack of knowledge or information sufficient to form a belief about the truth of such allegations.

30. Applicant denies the allegation of "OPPOSER'S FIGHT LIKE A GIRL" mark.

Applicant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations of paragraph 30 and , therefore, denies such allegations.

31. Applicant denies the allegations of paragraph 31.

32. Applicant denies the allegations of paragraph 32.

33. Applicant denies the allegations of paragraph 33.

34. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 34 and, therefore, denies these allegations.

35. Applicant admits that it offers for sale and advertises its goods and services through the internet. Any remaining allegations are denied.

36. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 36 and, therefore, denies them.

37. Applicant lacks knowledge or information sufficient to form a belief as to the allegations of paragraph 37 and, therefore, denies these allegations.

38. Applicant admits it has marketed and sold goods to consumers. With respect to the allegations regarding the class of purchasers for Opposer's goods and services, Applicant lacks knowledge or information sufficient to form a belief

about the truth of such allegations and, therefore, denies them. Any remaining allegations are denied.

39. Applicant denies the allegations of paragraph 39.

40. Applicant denies the allegations of paragraph 40.

41. Applicant denies the allegations of paragraph 41.

42. Applicant denies the allegations of paragraph 42.

43. Applicant denies the allegations of paragraph 43.

44. Applicant denies the allegations of paragraph 44.

45. Applicant denies the allegations of paragraph 45.

46. Applicant denies the allegations of paragraph 46.

Defenses

1. Opposer's stated grounds fail to state a claim upon which relief may be granted.

2. There was no lawful use of FIGHT LIKE A GIRL as a mark by Opposer prior to Applicant's use of FIGHT LIKE A GIRL as a mark.

3. There was only token use, if any, of FIGHT LIKE A GIRL as a mark by Opposer prior to Applicant's use of FIGHT LIKE A GIRL as a mark.

4. Third parties have used the same mark and very similar marks for similar goods and services, such that the mark is weak and entitled to limited protection.

WHEREFORE, Applicant prays the NOTICE OF OPPOSITION be dismissed in its entirety and a registration issue to Applicant for its mark.

The Applicant appoints Robert W. Hoke, Ryan Carter, Sarah J. Gayer, Glenn Johnson, and Kevin H. Collins of the firm of Nyemaster Goode, P.C. as its attorneys to prosecute this opposition and to transact all business in the Patent and Trademark Office connected therewith.

Please direct all correspondence to the attention of:

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Respectfully submitted,

SIGLER COMPANIES, INC.

Date: November 3, 2011

By 

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ELECTRONIC MAILING CERTIFICATE

I hereby certify that the ANSWER TO NOTICE OF OPPOSITION is being submitted electronically through the Electronic System for the Trademark Trial and Appeal Board (ESTTA) on this 3rd day of November, 2011,



Robert W. Hoke

CERTIFICATE OF SERVICE

I hereby certify that I have caused a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION to be deposited with the United States Postal Service with sufficient postage as first-class mail this 3rd day of November, 2011 in an envelope addressed to the following attorney for the Applicant:

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Robert W. Hoke