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

Proceeding	91202957
Party	Defendant Humanly Possible, Inc.
Correspondence Address	HUMANLY POSSIBLE, INC. Joshua Klayman, Sec.-Treas. 324 N MARION ST OAK PARK, IL 60302-1822  Josh@HumanlyPossible.com
Submission	Answer
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Attachments	Answer to Opposition - HP.pdf ( 5 pages )(33437 bytes )

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

MANPOWER INC. (d/b/a	)	
MANPOWERSGROUP) and RIGHT	)	
MANAGEMENT INC.	)	
	)	
Opposer,	)	
	)	Opposition No. 91202957
v.	)	Serial No. 85/339,610
	)	
HUMANLY POSSIBLE, INC.	)	
	)	
Applicant.	)	
	)	

**APPLICANT’S ANSWER TO OPPOSERS’ NOTICE OF OPPOSITION**

Humanly Possible, Inc. (“Applicant”), by and through its attorneys, hereby answers Manpower Inc. (d/b/a ManpowerGroup) and Right Management Inc.’s (collectively, “Opposers”) Notice of Opposition as follows:

1. *Opposer Manpower Inc. is a Wisconsin Corporation with its principal place of business at 100 Manpower Place, Milwaukee, Wisconsin 53212. Manpower Inc. is doing business as ManpowerGroup and under, or in connection with, the names and brands Manpower, ManpowerGroup Solutions, Experis, and Right Management, which operate as part of ManpowerGroup.*

**ANSWER:** Applicant admits the allegations in Paragraph 1.

2. *Opposer Right Management Inc. is a Pennsylvania Corporation with its headquarters at 1818 Market Street, 33<sup>rd</sup> Floor, Philadelphia, Pennsylvania 1903.*

**ANSWER:** Applicant admits the allegations in Paragraph 2.

3. *Applicant Humanly Possible, Inc. has sought registration of the descriptive phrase THE EXTRAORDINARY IS HUMANLY POSSIBLE, in International Class 35, for use in connection with “Business management consultation” services.*

**ANSWER:** Applicant admits that it has sought registration of THE EXTRAORDINARY IS HUMANLY POSSIBLE, in International Class 35, for use in connection with “Business management consultation” services but denies that THE EXTRAORDINARY IS HUMANLY POSSIBLE is descriptive.

4. *Applicant’s purported mark is merely descriptive and has not acquired secondary meaning in the marketplace and thus should be refused registration pursuant to 15 U.S.C. § 1052(e). Specifically, Applicant’s mark consists of the descriptive terms (i) “extraordinary” (an adjective commonly found in dictionaries meaning “beyond what is usual, ordinary, regular or established”) and (ii) “humanly possible” (a phrase long established and commonly found in dictionaries defined as everything within the range of human capacity, and which is commonly used in complete sentences along with the verb “to be” to describe what is or is not capable of human performance), both of which lack inherent distinctiveness, and Applicant has not shown that the phrase “The extraordinary is humanly possible” has acquired distinctiveness.*

**ANSWER:** Applicant denies the allegations in Paragraph 4.

5. *Applicant’s mark is not registrable subject matter since it immediately and aptly describes a feature, function or characteristic of Applicant’s products/services. If Applicant were granted trademark rights in its purported mark, it would inhibit the legitimate interests of others, including Manpower, in making non-trademark use of the descriptive terms “extraordinary” and “humanly possible” to accurately describe their own products or services using these terms.*

**ANSWER:** Applicant admits that registration of the mark THE EXTRAORDINARY IS HUMANLY POSSIBLE will accord it certain statutory rights but specifically denies that its mark is descriptive of the applied for services and also denies the remaining allegations in paragraph 5.

6. *Furthermore, if Applicant were to obtain a trademark registration for “The extraordinary is humanly possible,” it would be an exclusive right to use this descriptive sentence, as well as other similar descriptive sentences. Such registration would cause damage and injury to Manpower (and others) who currently use, or will use, similar descriptive sentences in advertising to describe their own services. In fact, Opposer [sic] has already sued Manpower for federal trademark infringement for Manpower’s use of more than two dozen different descriptive sentences that include the words “humanly possible” for their common-English meaning, such as “Business growth is humanly possible” or “Powering the world of work is humanly possible.”*

**ANSWER:** Applicant admits that registration of the mark THE EXTRAORDINARY IS HUMANLY POSSIBLE will accord it certain statutory rights but denies that THE EXTRAORDINARY IS HUMANLY POSSIBLE is descriptive. Applicant further denies that this registration will and/or would cause damage and injury to Opposers and/or others. Applicant admits that it filed a complaint in the Northern District of Illinois against Opposers for trademark infringement and other related claims based on Opposers' unauthorized **trademark** use of Applicant's incontestable HUMANLY POSSIBLE Mark after Opposers attempted to purchase the HUMANLY POSSIBLE Mark but did not reach an agreement with Applicant. Applicant further states that it owns U.S. Registration No. 2,477,681 for its HUMANLY POSSIBLE Mark, which is incontestable pursuant to 15 U.S.C. § 1065. Applicant denies that Opposers are only using the HUMANLY POSSIBLE Mark in descriptive sentences and further denies that Opposers are only using the HUMANLY POSSIBLE Mark for its "common-English meaning."

7. *WHEREFORE, Manpower believes that it will be damaged by the registration of the mark shown in Application No. 85/339,610, and requests that the opposition be sustained, and that registration to Applicant be refused.*

**ANSWER:** Applicant denies that registration of the mark THE EXTRAORDINARY IS HUMANLY POSSIBLE will damage Opposers and affirmatively alleges that Opposers are impermissibly seeking to attack Applicant's incontestable registration for HUMANLY POSSIBLE through this proceeding. Applicant admits that Opposers request that the opposition be sustained and the registration to Applicant be refused but denies that Opposers are entitled to this relief.

WHEREFORE, Applicant requests that this opposition be denied, and that the Board order registration of the mark shown in Application Serial No. 85/339,610.

Please address all correspondence to Mary E. Innis, 321 North Clark Street, Suite 500,  
Chicago, Illinois 60654.

Dated: January 23, 2012

Respectfully submitted,  
INNIS LAW GROUP LLC

By: /s/ Mary E. Innis

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Attorneys for Applicant

**CERTIFICATE OF SERVICE**

I, Lucille J. Mackey, hereby certify that a copy of the above ANSWER TO OPPOSERS'

NOTICE OF OPPOSITION has been served upon:

Claudia Ray  
Brendan T. Kehoe  
Kirkland & Ellis LLP  
601 Lexington Avenue  
New York, NY 10022

via First Class mail, postage prepaid, on this 23<sup>th</sup> day of January, 2012.

*/s/ Lucille J. Mackey* \_\_\_\_\_