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

Proceeding	91202968
Party	Defendant Super Star International, Inc.
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Submission	Answer
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Date	01/23/2012
Attachments	85082862-answer to opposition-91202968.pdf (9 pages)(402888 bytes)

UNITED STATES DEPARTMENT OF COMMERCE
PATENT AND TRADEMARK OFFICE

In the Matter of Application No. 85082862

Mark:

AIR ♦ SPORT

Published in the Official Gazette on August 23, 2011

Shoe Show, Inc.)	
)	
Opposer,)	Opposition No. 91202968
)	
V.)	
)	
Super Star International, Inc.)	
)	
Applicant.)	
)	

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant Super Star International, Inc., a California corporation ("Applicant"), the owner of the above referenced application no. 85082862 ("the '862 Application"), hereby submits its Answer to the Notice of Opposition filed by Opposer Show Shoe, Inc. Unless indicated differently, each paragraph below corresponds with the paragraph of the Notice of Opposition bearing the same number. To the extent any unnumbered paragraphs, captions or headings in the Notice of Opposition are treated as allegations, such allegations are hereby denied.

1. Applicant_admits the allegation in Paragraph 1 of Opposer's Opposition.
2. Applicant_admits the allegation in Paragraph 2 of Opposer's Opposition.
3. Applicant_admits the allegation in Paragraph 3 of Opposer's Opposition.

4. Applicant lacks sufficient knowledge and information regarding the allegations contained in Paragraph 4 of the Notice of Opposition to admit or deny and, on that basis, denies each and every allegation contained therein.
5. Applicant lacks sufficient knowledge and information regarding the allegations contained in Paragraph 5 of the Notice of Opposition to admit or deny and, on that basis, denies each and every allegation contained therein.
6. Applicant lacks sufficient knowledge and information regarding the allegations contained in Paragraph 6 of the Notice of Opposition to admit or deny and, on that basis, denies each and every allegation contained therein.
7. Applicant denies the allegation in Paragraph 7 of Opposer's Opposition.
8. Applicant lacks sufficient knowledge and information regarding the allegations contained in Paragraph 8 of the Notice of Opposition to admit or deny and, on that basis, denies each and every allegation contained therein.
9. Applicant lacks sufficient knowledge and information regarding the allegations contained in Paragraph 9 of the Notice of Opposition to admit or deny and, on that basis, denies each and every allegation contained therein.
10. Applicant lacks sufficient knowledge and information regarding the allegations contained in Paragraph 10 of the Notice of Opposition to admit or deny and, on that basis, denies each and every allegation contained therein.
11. Registrant lacks sufficient knowledge and information regarding the allegations contained in Paragraph 11 of the Notice of Opposition to admit or deny and, on that basis, denies each and every allegation contained therein.
12. Applicant denies the allegation in Paragraph 1 of Opposer's Opposition.

13. Applicant denies the allegation in Paragraph 1 of Opposer's Opposition.
14. Applicant lacks sufficient knowledge and information regarding the allegations contained in Paragraph 14 of the Notice of Opposition to admit or deny and, on that basis, denies each and every allegation contained therein.

AFFIRMATIVE DEFENSES

In further answer to the Opposition, the Applicant asserts that:

15. The Opposer has failed to allege grounds sufficient to establish its standing to maintain the present opposition.
16. The Applicant affirmatively alleges that there is no likelihood of confusion between the parties' marks due to the fact that Opposer's mark is SPORTS WORLD and the word AIR is merely a logo design for Opposer's mark. Thus Opposer's mark should be read as SPORTS WORD and design (wherein the design consists of a stylize word AIR). Attached Exhibit 1 is a copy of Opposers specimens for the service mark and product mark for the word SPORTS WORLD.
17. A review of Opposer's specimen clearly shows that the word AIR is not intended to modify Opposer's house mark "SPORTS WORLD" based on the fact that a registered symbol indicated on the mark right after the wording "SPORTS WORLD". Opposer's clearly is aware that it does not have a registration for the mark "AIR SPORT WORLD" but only "SPORTS WORLD." If Opposer's intention was to notify consumer's that it new trademark is AIR SPORTS WORLD, Opposer would have marked its new mark with a "TM" symbol rather than a registration symbol. Attached Exhibit 2 is a copy of Opposer's specimens submitted for the pending application AIR SPORTS WORLD.

18. A review of Opposer's website further confirms that Opposer's does not promote its mark as "AIR SPORTS WORD" but rather AIR SPORTSWORLD. Attached Exhibit 3 is a printout of Opposer's webpage featuring Opposer's actual usage of the AIR SPORTSWORLD mark. In addition, Exhibit 3 further illustrated Opposer logo design with the stylized letter "A."
19. The Opposer has filed a Petition to Oppose Applicant's alleging that Applicant's mark would be likely to cause confusion to Opposer's registered mark. Applicant affirmatively alleges that there is no likelihood of confusion between the parties' marks due to the fact that both parties' marks are visually distinctive from each other.
20. The Opposer has filed a Petition to Oppose Applicant's alleging that Applicant's mark would be likely to cause confusion to Opposer's registered mark. Applicant affirmatively alleges that there is no likelihood of confusion between the parties' marks due to the fact that the marks are phonetically distinctive from each other.
21. The Opposer has filed a Petition to Oppose Applicant's alleging that Applicant's mark would be likely to cause confusion to Opposer's registered mark. Applicant affirmatively alleges that there is no likelihood of confusion between the parties' marks due to the fact that both parties' marks are different in terms of commercial impression.
22. The Opposer has filed a Petition to Oppose Applicant's alleging that Applicant's mark would be likely to cause confusion to Opposer's registered mark. Applicant affirmatively alleges that there is no likelihood of confusion between the parties' marks due to the fact that there are no accounts of actual confusion by either party's customers.

23. The Applicant is entitled to register the mark “AIR SPORT AIR SPORT DISPOSED IN A CIRCLE” since Applicant’s mark is distinctive from Opposer’s alleged marks according to the tests of visual, phonetic, and commercial impression comparison.
24. The Applicant is entitled to register as a trademark for Applicant’s mark because Applicant has properly filed an application for said mark, which was examined and issued a Notice of Publication.
25. The Applicant’s mark is comprised of a combination of words and design which is not similar to any prior pending or registered marks.
26. In view of the foregoing, Applicant contends that this Opposition is groundless and baseless in fact and that Opposer has not shown in any manner whatsoever where it will be, or is likely to be, damaged by registration of Applicant’s mark, i.e. Opposer has failed to allege grounds sufficient to establish standing and to maintain the Opposition.

Respectfully submitted,

/sialiu/
P.O. Box 1818
Rancho Cucamonga, CA 91729-1818
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CERTIFICATE OF SERVICE

Opposition No. 91202968

This is to certify that a true and correct copy of the foregoing is being served on the Opposer on the date stated below, by depositing the same as first class mail, postage prepaid, in an envelope addressed as follows:

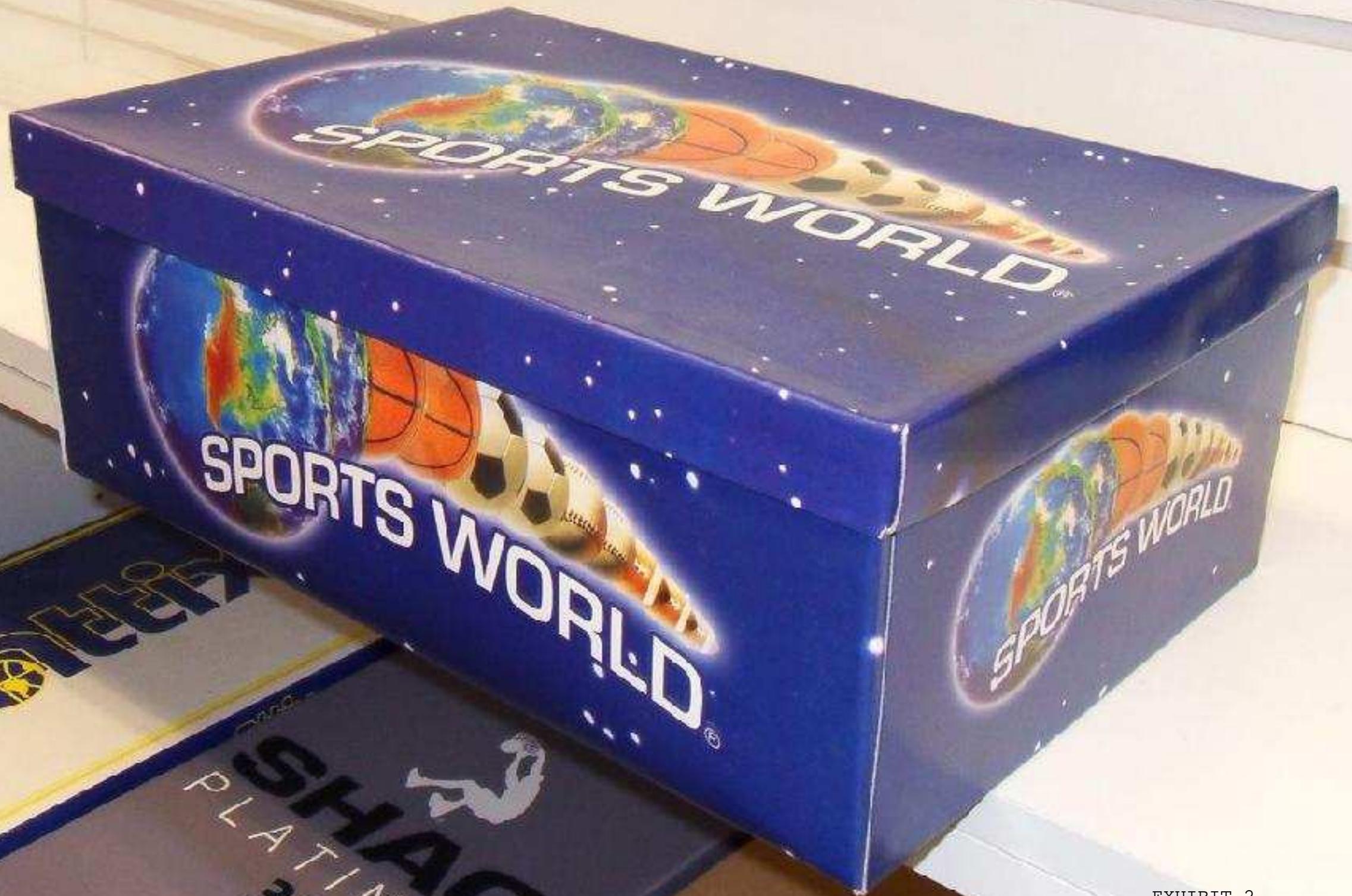
Per J. Enfield
Alleman Hall McCoy Russell & Tuttle LLP
806 S.W. Broadway, Suite 600
Portland, Oregon 97204

February 23, 2011

/sialiu/

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