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

Proceeding	91203199
Party	Defendant Life Empowerment Institute
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Submission	Answer
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Date	03/02/2012
Attachments	FIRST AMENDED ANSWER.pdf (3 pages)(29599 bytes)

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

Kona University, Inc.) Opposition No. 91203199
Opposer,) Application Serial No. 85008965
v.) Mark:



Life Empowerment Institute)
Applicant.)

FIRST AMENDED ANSWER TO NOTICE OF OPPOSITION

The following is the amended answer of Applicant Life Empowerment Institute, a California sole proprietorship owned by Dr. Lisa Cooney, owner of Federal Trademark Application Serial No. 85008965 for the mark LIFE EMPOWERMENT INSTITUTE & Design depicted above (hereinafter “Applicant’ s design mark”), by and through Counsel, Adrienne H. Haddad, to the Notice of Opposition filed on December 30, 2011 by KONA UNIVERSITY, INC. (hereinafter “Opposer”), and assigned Opposition No. 91203199.

Applicant hereby responds, solely for the purpose of this proceeding, to each of the grounds set forth in the Notice of Opposition, as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Notice of Opposition. Since Applicant can neither admit nor deny the allegations, Applicant must deny.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Notice of Opposition. Since Applicant can neither admit nor deny the allegations, Applicant must deny.
3. Admitted.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Notice of Opposition. Since Applicant can neither admit nor deny the allegations, Applicant must deny.
5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Notice of Opposition. Since Applicant can neither admit nor deny the allegations, Applicant must deny.
6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Notice of Opposition. Since Applicant can neither admit nor deny the allegations, Applicant must deny.
7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Notice of Opposition. Since Applicant can neither admit nor deny the allegations, Applicant must deny.
8. Admitted.
9. Denied.

FURTHERMORE, Applicant sets forth the following in support of its defense:

10. Upon information and belief, users of Applicant' s services are sophisticated purchasers.
11. Upon information and belief, users of Opposer' s services are sophisticated purchasers.
12. Upon information and belief, no users have confused the services of Applicant with those of Opposer.
13. Applicant' s design mark and Opposer' s are different in appearance.
14. Applicant' s design mark shares a single word in common with Opposer' s mark
15. Applicant' s design mark is unique and distinctive.
16. Applicant' s design mark and Opposer' s mark are not likely to cause confusion, mistake, or deception to purchasers of Applicant' s or Opposer' s services.
17. Applicant' s services are unique and distinct from Opposer' s services.
18. Applicant' s mark does not and cannot dilute Opposer' s mark.
19. Applicant' s mark does not and cannot cause damage or detriment to Opposer and its reputation.

Applicant has appointed Adrienne H. Haddad, a member of the California Bar, to act as attorney in the matter of the opposition identified above, to prosecute said opposition, to transact all related business in the Patent and Trademark Office, and to sign all papers which are herein to be filed in connection therewith, and to receive all communication relating to the same.

WHEREFORE, Applicant prays that the Trademark Trial and Appeal Board deny the Opposition and permit registration of Applicant' s proposed mark in Application Serial Number 85008965 in the United States Patent and Trademark Office.

A duplicate copy of this First Amended Answer to Notice of Opposition has been sent via First Class Mail to counsel for Opposer on March 2, 2012.

Respectfully Submitted,

By: _____

Adrienne H. Haddad
Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that true copies of the Amended Answer to Notice of Opposition were deposited First Class mail with the United States Postal Service on March 2, 2012, to Counsel for Opposer at the following address:

William G. Meyer, III, Esq.
Bryan Harada, Esq.
Dwyer Schraff Meyer Grant & Green
900 Fort Street Mall
1800 Pioneer Plaza
Honolulu, HI 96813

By: _____

Adrienne H. Haddad