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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
Correspondence Address	Dr Lisa Cooney Life Empowerment Institute 631 Union Street, 2nd Floor San Francisco, CA 94133 2812 UNITED STATES drlisa@leitheta.com
Submission	Motion to Amend/Amended Answer or Counterclaim
Filer's Name	ADRIENNE H. HADDAD
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Date	03/08/2012
Attachments	Second Amended Answer.pdf ( 3 pages )(25876 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
Life Empowerment Institute	)	
Applicant.	)	

**SECOND AMENDED ANSWER TO NOTICE OF OPPOSITION**

The following is the second 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 depicted above (hereinafter “Applicant’ s 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 2 of the Notice of Opposition. Since Applicant can neither admit nor deny the allegations, Applicant must deny.
3. Admitted to the extent the records of the U.S. Patent and Trademark Office and Trademark Trail and Appeal Board substantiate the facts claimed.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 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 5 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 6 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 7 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 mark and Opposer' s marks are different in appearance.
14. Applicant' s mark shares a single word in common with Opposer' s marks.
15. Applicant' s mark and Opposer' s marks are not likely to cause confusion, mistake, or deception to purchasers of Applicant' s or Opposer' s services.
16. Applicant' s services are unique and distinct from Opposer' s services.
17. Applicant' s mark does not and cannot dilute Opposer' s mark.
18. Applicant' s mark does not and cannot cause damage or detriment to Opposer and its reputation.

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 9, 2012.

Respectfully Submitted,

By: \_\_\_\_\_

Adrienne H. Haddad  
Attorney for Applicant

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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 9, 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