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

Proceeding	91203945
Party	Defendant William Benson Group
Correspondence Address	DAVID M. GOODSON 313 W 4TH ST HINSDALE, IL 60521-4027 dgadavid@comcast.net
Submission	Answer
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Date	03/28/2012
Attachments	Applicant Answer.pdf (7 pages)(42695 bytes)

TRADEMARK

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

In Re Application No: 85346416
For the mark: Stylized BILLIONAIRES ROW
Published on: 01/24/2012, and
Application No.: 85223999
For the mark: Stylized BILLIONAIRES ROW
Published on: 11/01/2011

ROLLS-ROYCE plc

Opposer,

v.

WILLIAM BENSON GROUP, LLC,

Applicant

Opposition No. 91203945

APPLICANT'S ANSWER TO NOTICE OF
OPPOSITION

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant, William Benson Group, LLC ("WBG") for its/his answer to the Notice of Opposition filed by Rolls-Royce, plc ("ROLLS"), against application for registration of WBG's stylized trademark, BILLIONAIRES ROW, Serial No. 85346416 filed June 15, 2011, and published in the Official Gazette on January 24, 2012, and against application for registration of WBG's stylized trademark, BILLIONAIRES ROW, Serial No. 85223999 filed January 23, 2011, and published in the Official Gazette on

APPLICANT'S ANSWER

November 1, 2011 pleads and avers as follows:

1. Answering paragraph 1 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

2. Answering paragraph 2 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

3. Answering paragraph 3 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

4. Answering paragraph 4 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

5. Answering paragraph 5 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

6. Answering paragraph 6 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to

APPLICANT'S ANSWER

form a belief as to the allegations contained therein and accordingly denies the allegations.

7. Answering paragraph 7 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

8. Answering paragraph 8 of the Notice of Opposition, Applicant admits the allegations thereof.

9. Answering paragraph 9 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

10. Answering paragraph 10 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

11. Answering paragraph 11 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

12. Answering paragraph 12 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

13. Answering paragraph 13 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

14. Answering paragraph 14 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

15. Applicant further affirmatively alleges that as a result of its continuous substantial usage of its stylized BILLIONAIRES ROW marks since adoption, these marks are valuable

APPLICANT'S ANSWER

assets of Applicant and carry considerable goodwill and consumer acceptance of its web portal provided under the mark. Such goodwill and widespread usage have made the marks distinctive to the Applicant.

16. Applicant further affirmatively alleges that there is no likelihood of confusion, mistake or deception because, inter alia, Applicant's marks and the pleaded marks of Opposer are not confusingly similar.

17. Applicant further affirmatively alleges that there is no likelihood of confusion, mistake or deception because, inter alia, Applicant's marks and the pleaded marks of Opposer are not confusingly similar. Any similarity, if at all, between Applicant's mark and the pleaded marks of Opposer is in the interlocking "R" portion, which, by itself, is not protectable and used by others for transportation goods and services, including The Pennsylvania Railroad, and in the music industry on Randy Rhoads memorabilia and musical instruments. As a result, Opposer cannot base any similarity between its pleaded marks and the marks of Applicant by means of an interlocking "R" with another arbitrary letter. Any trademark or service mark rights that Opposer may have are narrowly circumscribed to the goods or services indicated and any other use would not lead to a likelihood of confusion.

APPLICANT'S ANSWER

18. Applicant further affirmatively alleges that there is no likelihood of dilution Opposer's mark by tarnishment because Applicant's marks are associated with a web portal offering luxury goods and services.

19. Applicant further affirmatively alleges that there is no likelihood of dilution because Opposer's and Applicant's marks are not sufficiently similar; there are, upon information and belief, numerous uses and registrations of third party marks with an "R" interlocking with another letter. Applicant never intended any association with Opposer's marks, and upon information and belief, ordinary users of Applicant's web portal do not associate Applicant's and Opposer's marks.

WHEREFORE, Applicant requests that the notice of opposition be dismissed.

Respectfully Submitted:

Dated: March 28, 2012

/William Benson/
William Benson
benson.william@gmail.com
48 Wall St
New York, NY 10005
Telephone: (917) 224-1935

APPLICANT'S ANSWER

CERTIFICATE OF SERVICE

I, JILL RUSIN, declare:

I am employed in the County of Orange, State of California. I am over the age of 18 and not a party to the within action, my business address is 8911 Research Dr., Irvine, California 92618.

On the below date, I served the within documents, with all exhibits (if any):

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

- by transmitting via facsimile the document(s) listed above to the fax number(s) set forth below on this date before 5:00 pm. A copy of the transmittal report issued by the transmitting facsimile machine is attached hereto.
- by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Irvine, California addressed as set forth below.
- by personally delivering the document(s) listed above to the person(s) at the address(es) set forth below.
- by electronically filing with the Clerk of the Court using ECF which will send notification and a copy of such filing to the following persons:

RUTH L. LANSNER
HOLLAND & KNIGHT LLP
31 West 52nd Street
New York, NY 10019

THOMAS W. BROOKE
HOLLAND & KNIGHT LLP
2099 Pennsylvania Avenue, NWA Suite 100
Washington, DC 20006

- by transmitting via email or electronic transmission the document(s) listed above to the person(s) at the e-mail address(es) set forth below.

I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on

APPLICANT'S ANSWER

motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposition for mailing in affidavit.

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on March 28, 2012, at Irvine, California.

/s/ Jill Rusin
Jill Rusin

APPLICANT'S ANSWER