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

Proceeding	91205046
Party	Defendant Ate My Heart Inc.
Correspondence Address	BRAD D ROSE PRYOR CASHMAN LLP 7 TIMES SQ FL 3 NEW YORK, NY 10036-6569 UNITED STATES
Submission	Answer
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Date	06/14/2012
Attachments	Answer Sukljian.PDF (4 pages)(137694 bytes)

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

In the Matter of Trademark Application No. 85215017
for the mark HAUS OF GAGA

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CHRISTINA SUKLJIAN,	:	
	:	Opposition No. 91205046
Opposer,	:	
	:	
v.	:	
	:	
ATE MY HEART, INC.,	:	
	:	
Applicant.	:	

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ANSWER

Applicant Ate My Heart, Inc. (“AMH”) by its attorneys, Pryor Cashman LLP, as and for its Answer to the Notice of Opposition (“Opposition”) filed by Opposer Christina Sukljian (“Opposer”), denies that Opposer will be damaged by the registration of AMH’s mark HAUS OF GAGA (“Mark”) as set forth in U.S. Trademark Application Serial No. 85215017 (“Application”). With respect to the specific assertions set forth in the Opposition, AMH hereby denies that Opposer will be damaged by registration of the Mark for goods in class 3 and alleges and states that it:

1. Lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of the Opposition, except admits that according to the USPTO records, Opposer is the registered owner of U.S. Registration No. 2898544.
2. Lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 2 of the Opposition.
3. Lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 3 of the Opposition.
4. Lacks information sufficient to form a belief as to the truth of the allegations in

Paragraph 4 of the Opposition.

5. Lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 5 of the Opposition.

6. Lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 6 of the Opposition.

7. Lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 7 of the Opposition, except admits that according to the USPTO records, Opposer is the registered owner of U.S. Registration No. 2898544.

8. Lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 8 of the Opposition.

9. Lacks information sufficient to form a belief as to the truth of the allegation in Paragraph 9 relating to Opposer's alleged use of its mark and its alleged priority as to AMH but admits the remaining allegations.

10. Denies the allegations in Paragraph 10 of the Opposition.

11. Denies the allegations in Paragraph 11 of the Opposition.

12. Denies the allegations in Paragraph 12 of the Opposition.

13. Lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 13 of the Opposition.

14. Lacks information sufficient to form a belief as to the truth of the allegations in Paragraph 14 of the Opposition.

15. Denies the allegations in Paragraph 15 of the Opposition, except admits that Opposer's alleged mark was cited against AMH's currently pending applications for the marks LADY GAGA and LADY GAGA FAME under 2(d).

16. Denies the allegations in Paragraph 16 of the Opposition.

17. Denies that the Opposition should be sustained and the registration of the

Application denied.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

Opposer failed to state any claim(s) upon which relief may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

Opposer lacks standing to bring this Opposition.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

AMH's Mark is not likely to cause confusion with any of the marks asserted by Opposer in the Opposition.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

Upon information and belief, Opposer has abandoned its alleged mark since Opposer has not used its mark in commerce in at least the past three years.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

AMH presently has insufficient knowledge or information upon which to form a belief as to whether it has additional, as yet unstated, affirmative defenses available. AMH reserves the right to assert additional affirmative defenses for which it has developed factual support pending the outcome of discovery or otherwise.

WHEREFORE, AMH requests that Opposer's claims be dismissed in their entirety and that AMH be awarded such other and further relief as may be just and proper.

Dated: New York, New York
June 13, 2012

Respectfully submitted,

By: 
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Attorneys for Applicant, AMH

CERTIFICATE OF SERVICE

I certify that on 6/13/12, a true and correct copy of the foregoing Answer: (a) is being filed electronically through ESTTA with the Trademark Trial and Appeal Board, United States Patent and Trademark Office, Alexandria, VA 22313-1451; and (b) is being mailed by first class mail, postage prepaid, and a copy was sent via electronic mail to Opposer:

Christina Sukljian
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MOIRA SHINE