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

Proceeding	91205571
Party	Defendant Dwell with Dignity Foundation, Inc.
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Date	07/23/2012
Attachments	120723 final Answer to Opposition.pdf ( 6 pages )(39417 bytes ) Exhibit A.pdf ( 13 pages )(1245892 bytes )

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

In the Matter of Application No. 85360873  
Trademark: GILT-Y

GILT GROUPE, INC.,	)	
Opposer,	)	
	)	
vs.	)	Opposition No. 91205571
	)	
DWELL WITH DIGNITY FOUNDATION,	)	
INC.,	)	
Applicant.	)	
_____	)	

**APPLICANT’S ANSWER TO NOTICE OF OPPOSITION**

Dwell with Dignity Foundation, Inc. (“Dwell With Dignity”), a Texas non-profit corporation having its principal place of business at 1920 Abrams Parkway, Suite 325, Dallas, Texas 75214, the owner of U.S. Application Serial No. 85360873 (“Dwell With Dignity’s Mark”), for its Answer to Opposition filed by Gilt Group, Inc. (“Opposer”), pleads and avers as follows:

1. Answering number paragraph 1 of the Opposition, Dwell With Dignity is without knowledge or information sufficient to form a belief as to the truth of the allegations contained herein, and accordingly denies the allegations.
2. Answering number paragraph 2 of the Opposition, Dwell With Dignity admits the allegations contained therein.
3. Answering number paragraph 3 of the Opposition, Dwell With Dignity admits the allegations contained therein.
4. Answering number paragraph 4 of the Opposition, Dwell With Dignity admits the allegations contained therein.

5. Answering number paragraph 5 of the Opposition, Dwell With Dignity is without knowledge or information sufficient to form a belief as to the truth of the allegations contained herein, and accordingly denies the allegations.

6. Answering number paragraph 6 of the Opposition, Dwell With Dignity is without knowledge or information sufficient to form a belief as to the truth of the allegations contained herein, and accordingly denies the allegations.

7. Answering number paragraph 7 of the Opposition, Dwell With Dignity is without knowledge or information sufficient to form a belief as to the truth of the allegations contained herein, and accordingly denies the allegations.

8. Answering number paragraph 8 of the Opposition, Dwell With Dignity admits that Exhibits 1-3 appear to be printouts from the USPTO's TARR and Assignment records.

9. Answering number paragraph 9 of the Opposition, Dwell With Dignity is without knowledge or information sufficient to form a belief as to the truth of the allegations contained herein, and accordingly denies the allegations.

10. Answering number paragraph 10 of the Opposition, Dwell With Dignity is without knowledge or information sufficient to form a belief as to the truth of the allegations contained herein, and accordingly denies the allegations.

11. Answering number paragraph 11 of the Opposition, Dwell With Dignity is without knowledge or information sufficient to form a belief as to the truth of the allegations contained herein, and accordingly denies the allegations.

12. Answering number paragraph 12 of the Opposition, Dwell With Dignity is without knowledge or information sufficient to form a belief as to the truth of the allegations contained herein, and accordingly denies the allegations.

13. Answering number paragraph 13 of the Opposition, Dwell With Dignity is without knowledge or information sufficient to form a belief as to the truth of the allegations contained herein, and accordingly denies the allegations.

14. Answering number paragraph 14 of the Opposition, Dwell With Dignity admits the allegations contained therein.

15. Answering number paragraph 15 of the Opposition, Dwell With Dignity denies the allegations contained therein.

16. Answering number paragraph 16 of the Opposition, Dwell With Dignity denies the allegations contained therein.

17. Answering number paragraph 17 of the Opposition, Dwell With Dignity denies the allegations contained therein.

18. Answering number paragraph 18 of the Opposition, Dwell With Dignity denies the allegations contained therein.

19. Answering number paragraph 19 of the Opposition, Dwell With Dignity denies the allegations contained therein.

#### **AFFIRMATIVE DEFENSES AND FACTS COMMON THERETO**

20. Dwell With Dignity is a Dallas-based charitable organization that—as its name implies—turns housing into true homes for low income families. As reported in a recent *Dallas Morning News* article, “[o]ne of Dwell With Dignity’s basic concepts is that a home positively, or negatively, influences peace of mind. A functional, attractive living space leads to a calmer home. For those who have been homeless or very poor, it also shows what is possible.”<sup>1</sup>

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<sup>1</sup> Karel Holloway, *Dallas domestic violence victims find peace in pretty, organized spaces*, Dallas Morning News, July 6, 2012, <http://www.dallasnews.com/lifestyles/home-and-gardening/headlines/20120706-dallas-domestic-violence-victims-find-peace-in-pretty-organized->

21. The story of the family that was the focus of a recent *Dallas Morning News* article is representative of Dwell With Dignity's charitable mission. The family had been living at a domestic violence shelter prior to securing a small apartment at a structure for low income individuals, many of whom are homeless or at risk of becoming homeless. Dwell With Dignity decorated the family's apartment so that it is functional as well as beautiful.<sup>2</sup>

22. The recent *Dallas Morning News* article is but one example of the positive media attention that Dwell With Dignity has earned both in Dallas and nationwide. Indeed, Dwell With Dignity was featured on the nationally syndicated Nate Berkus Show in August 2011.

23. In large owing to the integrity and commitment with which Dwell With Dignity has pursued its charitable mission, Dwell With Dignity has been highly successful in attracting donations, allowing it to grow and help many more deserving individuals.

24. Donations of money and certain goods can be used directly to furnish living quarters for the chosen recipients. However, donations of other goods can help the greatest number of people if they are sold to the public. Dwell With Dignity operates brick-and-mortar "pop up" charity thrift stores to sell goods to the public. Two such temporary thrift stores have been operated to date, and planning is underway for a third store to be held in Fall 2012.

25. All goods sold at such temporary charity thrift stores have been donated to Dwell With Dignity. Proceeds from the sale of such goods can be reinvested to acquire a larger quantity of more practical (but still stylish) goods and furnishings. To differentiate selected goods donated new to Dwell with Dignity from used furnishings, Dwell With Dignity uses the mark GILT-Y on

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[spaces.ece](#). A copy of this article and its accompanying photo spread is attached hereto as Exhibit A.

<sup>2</sup> *Id.*



**CERTIFICATE OF SERVICE**

The undersigned certifies that a copy of the foregoing Applicant's Answer to Opposition was mailed First Class Mail, postage prepaid, to Counsel for Opposer Roberta S. Bren and Beth A. Chapman, Oblon Spivak McClelland Maier & Neustadt LLP, 1940 Duke Street, Alexandria, VA 22314, on July 23, 2012.

\_\_\_\_\_  
/s/  
Megan M. O'Laughlin

# **EXHIBIT A**



## Dallas domestic violence victims find peace in pretty, organized spaces

By KAREL HOLLOWAY

Special Contributor

Published: 06 July 2012 02:59 PM

Where do you put your clothes if there is no closet? How do you clear the clutter if there are no drawers? Toys can't go on a shelf if there is no shelf.

For two years, Antonia Garcia, 48, and her two daughters have lived in a tiny two-bedroom downtown Dallas apartment reserved for those trying to get back on their feet. They moved there from the Family Place, a domestic violence shelter, and were grateful for a clean, safe place.

But it does have its drawbacks.

Windowless bedrooms are not much wider than the length of a twin bed. The sisters, 17 and 8, share a room.

Their apartment is still small, but now it looks — and lives — more like an upscale efficiency, thanks to Dwell With Dignity, a Dallas foundation headed by interior designers that redecorates housing for low-income citizens.

Like a reality TV show, there was a big reveal last week. Lisa Robison, who founded Dwell With Dignity in 2009, opened the door to Antonia's first look at her remade home in CityWalk at Akard.

She spoke only one word: "Wow."

Antonia walked down the hall, taking in the queenly bed topped by a cornice draped with curtains on the side. She walked through the bath and into the girls' room with its bunk beds and cork-covered walls. She peered into the combination kitchen-living-dining room.

"Can I cry now?" she asks, hugging Robison, who headed the overhaul.

While the apartment is sleek and stylish, the family most appreciates the storage. Little Bernice climbed onto the top bunk and then clambered down and opened the doors of the white Ikea armoire.

"We've got a closet!" she says. When was the last time you saw an 8-year-old excited by a closet?

Within minutes, Julie, a junior at North Dallas High School, placed her purple-and-pink guitar on a shelf. There was no place for it before.

"The biggest challenge was the storage," Robison says. "We wanted to be able to clear out the clutter so Antonia's mind could be at peace."

One of Dwell With Dignity's basic concepts is that a home positively, or negatively, influences peace of mind. A functional, attractive living space leads to a calmer home. For those who have been homeless or very poor, it also shows what is possible, Robison says.

The family now has many luxuries — bed linens and towels donated by Peacock Alley, plush rugs on the floor and hand-sewn throw pillows from a designer workroom.

"A lot of food," Bernice said when she opened the refrigerator.

Whole Foods stocks the fridge and pantry for Dwell With Dignity makeovers. Red-velvet cupcakes with piles of white icing from Society Bakery sit on the kitchen counter. Eatzi's provides the first night's meal.

Most of the furnishings were used, Robison says, and refinished by volunteers. "We meet every Wednesday night to work on the pieces."

The group purchased three armoires from Ikea, one for each of the bedrooms and a big brown one for the hall to store household goods. Usually, Coppell-based Container Store outfits closets with shelving, but in this case the company donated baskets and other storage solutions since there were no closets.

But the credenza (more drawers!) that holds the new television donated by an electronics wholesaler was a find. It just required a little cleaning and some new hardware.

The glass display case in the hall got a coat of gray paint as did a storage unit with a drop-down workspace for the kitchen.

Dwell With Dignity usually works with a blank slate: They redo an apartment before the tenants move in.

In Garcia's case, she has lived at CityWalk at Akard for two years.

Robison says the foundation wanted to work with a family who had lived in an apartment for a while and planned to be there for several years.

"We thought CityWalk would be perfect. We asked them to nominate a family, and they quickly gave us Antonia's name," she says.

CityWalk is an apartment house for those who have been homeless, are at risk of becoming homeless or others with small incomes. Classes are offered in the apartment building to help residents learn necessary skills such as managing money, social networking and building relationships. There's also help with physical, emotional and mental health as well as drug and alcohol misuse.

Designers talked to the family but didn't share their plans. The nearby Fairmont Hotel provided accommodations for three days while the transformation took place.

When asked what she likes best, Antonia could only say, "Everything. It's *muy bonito*."

*Karel Holloway is a Terrell freelance writer.*

home@dallasnews.com

#### **How to help**

Dwell With Dignity relies on donations from individuals and corporations.

Usable home furnishings in all categories are accepted. Email [donategoods@dwelldignity.org](mailto:donategoods@dwelldignity.org) if you'd like to offer items.

Gift cards for stores that carry household goods also are accepted.

Twice a year, the foundation runs a pop-up store for 30 days selling gently used designer furnishings and accessories from high-end showrooms. The next Thrift Studio will be in the fall.

For more, see [dwelldignity.org](http://dwelldignity.org).

# Dwell with Dignity provides little luxuries to families; see photos of one such local apartment

Photo Gallery

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Antonia Garcia enters her new apartment at City Walk at Akard Apartments for the first time that was provided by Dwell with Dignity. For two years, Antonia Garcia, 48, and her two daughters have lived in a tiny two-bedroom, downtown-Dallas apartment reserved for those trying to get back on their feet. They moved there from the Family Place, a domestic violence shelter, and were grateful for a clean, safe place

Photo: Rex C. Curry/Special Contributor

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Dwell with Dignity, a Dallas foundation headed by interior designers that redecorates housing for low-income citizens, gave this small efficiency apartment a design lift.

Photo: Rex C. Curry/Special Contributor

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The living room and kitchen occupy one single room at Antonia Garcia's apartment. Most of the furnishings were used and refinished by volunteers for Antonia Garcia's new apartment at City Walk at Akard Apartments provided by Dwell with Dignity.

Photo: Rex C. Curry/Special Contributor

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While the apartment is sleek and stylish, Antonia Garcia's family most appreciates the storage. "The biggest challenge was the storage," Robison says. "We wanted to be able to clear out the clutter so Antonia's mind could be at peace."

Photo: Rex C. Curry/Special Contributor

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The kitchen at Antonia Garcia's new apartment has more storage, which is greatly appreciated by the family. One of Dwell with Dignity's basic concepts is that a home positively, or negatively, influences peace of mind. A functional, attractive living space leads to a calmer home. For those who have been homeless or very poor, it also shows what is possible, Robison says.

Photo: Rex C. Curry/Special Contributor

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Antonia Garcia's new queenly bed is topped by a cornice draped with curtains on the side.  
Photo: Rex C. Curry/Special Contributor

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The bathroom at Antonia Garcia's new apartment at City Walk divides her room from her girls' room.

Photo: Rex C. Curry/Special Contributor

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The bathroom at Antonia Garcia's new apartment at City Walk at Akard Apartments provided by Dwell with Dignity.

Photo: Rex C. Curry/Special Contributor

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Antonia Garcia's children, Bernice Alba, 8, top, and Julie Alba, 17, explore their room in their new apartment at City Walk at Akard Apartments provided by Dwell with Dignity. Windowless bedrooms are not much wider than the length of a twin bed. The sisters, 17 and 8, share a room.

Photo: Rex C. Curry/Special Contributor

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Antonia Garcia treats her children and grand children to cupcakes donated by Society Bakery in her new apartment at City Walk at Akard Apartments.

Photo: Rex C. Curry/Special Contributor

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