

ESTTA Tracking number: **ESTTA487444**

Filing date: **08/06/2012**

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

Proceeding	91205878
Party	Defendant Allen, Patricia
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Date	08/06/2012
Attachments	Trademark answer0001.pdf (3 pages)(1531640 bytes)

August 5, 2012

To the United States Patent and Trademark Office/Trademark Trial and Appeal Board

Reference: Application # 85405718

Filed: August 24, 2011

Applicant: Patricia Allen

Mark: The Dogs Street Journal

Goods: On-line social network services

I am Patricia Allen, applicant for the referenced mark serial # 85/405/718. Herein I would like to offer my rebuttal to the objection of the mark by Dow Jones, L.P.

Two years ago my daughter and I decided to start a dog blog. I derived the name while searching for a pet photographer in Sarasota, Florida, where I was a guest chef at the Viking Cooking School in Lakewood Ranch. I found Dog Street Photography, who takes all of the photos for the Sarasota Humane Society and uses them to find homes for shelter dogs. I loved the name as well as the cause and, since we are a daily blog, decided to call my site The Dogs Street Journal. There was never any intent on my part to conflict with The Wall Street Journal. We are totally unrelated in use and content.

In researching the history of The Wall Street Journal, I found that it was so named by its location on Wall Street in the financial district and its purpose was to share financial and business news in the form of newspapers. It grew to include current events and other news. I offer none of these on my site as I am a dog blog whose purpose is to connect dog lovers worldwide with an opportunity to share funny and heartwarming photos and to post shelter dogs in need of homes. In less than a year I have connected dog lovers in 24 countries.

Since applying for my mark on August 24, 2011, I have decided not to produce a newsletter but I plan to continue my blog and feel the necessity of the mark to protect against infringement of the name, as such.

To address each count specifically, I will proceed.

Count 1: ref: Section 2(d) of the Lanham Act 15 U.S.C. 1052d -Confusion or deception

The Wall Street Journal, in their argument repeatedly references use of their paper as a source of “general news, current events, business and financial news.” I offer none of these in my dog blog. I see no way this can cause “confusion or deception” as everything I do is about dogs. I am title specific pertaining to dogs only. Anyone going to my site knows by the title it is about dogs.

Count 2: ref: Section 43 (c) of the Lanham Act, 15 U.S.C 1125 -Dilution of the mark

As far as “dilution” of their mark, again I see no way that a website totally about dogs will dilute The Wall Street Journal in any way. Please refer to the list below for multiple examples used in commerce that I personally feel do cause confusion and dilute the mark that The Wall Street Journal has allowed albeit not mark related. The Wall Street Journal was started long before dot-coms and domain names came into fruition. I can see where objection to the sale of The Wall Street Journal.com would be an infringement but not The Dogs Street Journal.com.

A direct conflict, in my opinion, is The Occupied Wall Street Journal –a newspaper first printed on October 5, 2011. It is confusing in that consumers may think it is part of The Wall Street Journal. It has over 50,000 subscribers and is a for profit publication. The Wall Street Journal has allowed this publication to continue. It causes confusion and dilution without a mark.

Given the sale of domain names, I feel that the trademark of brands no longer carries the name protection it once did. I have cited examples below. It only will protect that specific name and the way it is spelled and its use and intent. To try and protect the words “street journal” and keep it out of commerce has not happened and is no longer solely dependent upon a mark.

Examples of Dot-coms using Street Journal:

The Dog Street Journal –newsletter for William and Mary College since 2003

The Art Street Journal

The Law Street Journal

The Baker Street Journal

The Quilt Street Journal

The Beer Street Journal

The Crab Street Journal

The Main Street Journal

The Ball Street Journal –the 10th album by rapper-E-40 released 11/24/2008

The Film Street Journal

The Rock Street Journal

The Hell Street Journal

The Word Street Journal

The Green Street Journal

The Paw Street Journal

The College Street Journal

The First Street Journal

The Barrow Street Journal

Commodities Street Journal

The Monroe Street Journal

The Bliss Street Journal

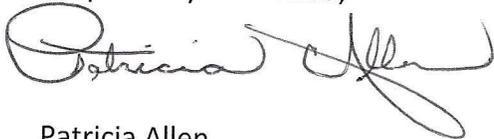
The LA Street Journal

In summary, I see no harm in allowing my mark to be granted as I am totally dog related. Anyone who goes to The Dogs Street Journal does not expect to find financial or business news as the Wall Street Journal is known for and they clearly define in their objection. I will agree to give up the newsletter request and agree to edit the on-line social networking services to include "in the field of dogs."

I sincerely plead and hope you will agree with my position and allow my mark. I encourage you all to look at my site: <http://facebook.com/thedogsstreetjournal> before making your decision. It is very clear that I am not similar to The Wall Street Journal in any way.

Thank you so much for your time and consideration in this matter.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Patricia Allen". The signature is fluid and cursive, with a large loop at the end.

Patricia Allen