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

Proceeding	91206504
Party	Defendant SPHERA STYLE LLC
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Submission	Answer
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Date	09/13/2012
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK OFFICE AND APPEAL BOARD**

In the matter of:
Application serial No. 85382594
Published in the *Official Gazette*
April 17, 2012

SEPHORA)	
)	
Opposer.)	
)	
v.)	Opposition No. 91206504
)	
SPHERA STYLE)	
)	
Applicant.)	

APPLICANTS ANSWER TO NOTICE OF OPPOSITION

Applicant, Sphera Style, composed of Juan Martinez, for his answer to the Notice of Opposition filed by Sephora against application for registration of Sphera Style trademark, Serial No.85382594 filed July 27, 2011, and published in the official gazette of April 17, 2012, pleads and avers as follow:

- 1- Answering paragraph 1 of Notice of Opposition, Applicant admits the allegation thereof.

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

6- Answering paragraph 6 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to allegation contain 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 allegation contain therein and accordingly denies the allegations.

8- Answering paragraph 8 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to allegation contain therein and accordingly denies the allegations.

9- Answering paragraph 9 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to allegation contain therein and accordingly denies the allegations.

10- Answering paragraph 10 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to allegation contain therein and accordingly denies the allegations.

11- Answering paragraph 11 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to allegation contain therein and accordingly denies the allegations.

12- Answering paragraph 12 of Notice of Opposition, Applicant admits the allegation thereof.

13- Answering paragraph 14 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to allegation contain therein and accordingly denies the allegations

14- Answering paragraph 14 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to allegation contain therein and accordingly denies the allegations.

15- Answering paragraph 15 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to allegation contain therein and accordingly denies the allegations.

16- Answering paragraph 16 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to allegation contain therein and accordingly denies the allegations.

17- Answering paragraph 17 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to allegation contain therein and accordingly denies the allegations.

18- Answering paragraph 18 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to allegation contain therein and accordingly denies the allegations.

19- Answering paragraph 19 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to allegation contain therein and accordingly denies the allegations.

20- Answering paragraph 20 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to allegation contain therein and accordingly denies the allegations.

21- Answering paragraph 21 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to allegation contain therein and accordingly denies the allegations.

22- Answering paragraph 22 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to allegation contain therein and accordingly denies the allegations.

23- Answering paragraph 23 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to allegation contain therein and accordingly denies the allegations.

FURTHERMORE, Applicant sets forth the following in support of its defense:

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

25- Applicant's design mark and Opposer's mark are different in spelling and both marks are visually, phonetically and orthographically distinguishable. Additionally, Applicant's mark is composed of **two** words and **11** letters while Opposer's mark is only **one** word with **7** letters.

SPHERA STYLE

SEPHORA

26- Applicant's design mark and Opposer's mark are different in meaning and conceptually distinguishable:

SPHERA STYLE is an expression with a meaning, composed of a Latin word for **SPHERE: " SPHERA", " SPHERAE":**

n .1.globe, sphere, orb, ball.

2. Orrery/ working model of universe (spheres of planets)". Source: Oxford Latin Dictionary, 1982 (OLD), and

STYLE: “

1: designation, title .

2. a : a distinctive manner of expression (as in writing or speech) <writes with more attention to style than to content> <the flowery style of 18th century prose>

b : a distinctive manner or custom of behaving or conducting oneself <the formal style of the court> <his style is abrasive>; also : a particular mode of living <in high style>

c : a particular manner or technique by which something is done, created, or performed <a unique style of horseback riding> <the classical style of dance.” Source: Merriam- Webster Dictionary.

Opposer’s mark is a fictional name without any meaning in the mind of the consumer. Therefore, the consumer will associate the mark with the perception of the meaning of the words.

27- As it is well known the start of an expression provides the higher impact in the mind of the consumers, the Applicant mark begins with three consonants **SPH**, while opposing mark begins with **SE**, on the other hand, the vowels sequence of the Applicant mark is **EA** and the Opposer’s mark is **EOA**. Consistent with the above, it is clear that from a phonetic point of view there are no similarities due to the dissimilar combination of consonants and vowels.

S	P	H	E	R	A	S	T	Y	L	E
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S	E	P	H	O	R	A
---	---	---	---	---	---	---

28- Applicant’s design mark is unique and distinctive in appearance as shown below:



29- Applicant’s mark does not falsely suggest a connection with Opposer’s mark.

30- Applicant’s design mark and Opposer’s are not likely to cause confusion, mistake or deception to purchasers.

WHEREFORE, Applicant request that the notice of opposition be dismissed and prays that the Trademark Trial and Appeal Board deny such request and permit registration of Applicant's proposed mark in Application Serial Number 85382594 in the United States and Trademark Office.

A duplicate copy of this Answer to Notice of Opposition has been served via First Class Mail to counsel of Opposer on September 12, 2012.

Respectfully Submitted,

By /jm/_____
Juan Martinez
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