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

Proceeding	91206956
Party	Defendant Ravo, Aaron
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of:	)	Opposition No. 91206956
	)	
LORIS AZZARO BV,	)	Mark: CHROME GIRL
a Netherlands corporation	)	
	)	Serial No. 85/499,234
Opposer,	)	
v.	)	
	)	
CHROME GIRL NAILS, LLC,	)	
a California limited liability company	)	
	)	
Applicant.	)	
	)	

ANSWER TO OPPOSITION

Applicant Chrome Girl Nails, LLC ("Applicant") hereby answers the opposition (the "Opposition") filed by Loris Azzaro BV ("Opposer") with respect to the application for the mark CHROME GIRL, Serial No. 85/499,234 ("Applicant's Mark"), as follows:

In response to the preamble introductory paragraph in the Opposition, Applicant denies that Opposer will be damaged by registration of the mark shown in Application No. 85/499,234.

1. Applicant admits that Aaron Ravo, the original applicant of Applicant's Mark, is an individual with the address indicated in paragraph 1 of the Opposition. However, Applicant's Mark, and the application therefor, were transferred to Applicant by way of an assignment of the entirety of Mr. Ravo's interest dated 09/21/2012. The foregoing assignment was recorded with the Assignment Recordation Branch on 10/09/2012 (reel/frame: 4876/0726). Applicant is a California limited

liability company with an address of P.O. Box 8302, Calabasas, California 91372.

2. Applicant admits the allegations made in paragraph 2 of the Opposition.

3. Applicant admits the allegations made in paragraph 3 of the Opposition.

4. The allegations made in paragraph 4 of the Opposition are vague and thus Applicant cannot admit or deny the allegations contained therein and therefore denies the same.

5. Applicant lacks sufficient information to either admit or deny the allegations contained in paragraph 5 of the Opposition and therefore denies the same.

6. Applicant lacks sufficient information to either admit or deny the allegations contained in paragraph 6 of the Opposition and therefore denies the same.

7. Applicant lacks sufficient information to either admit or deny the allegations contained in paragraph 7 of the Opposition and therefore denies the same.

8. Applicant lacks sufficient information to either admit or deny the allegations contained in paragraph 8 of the Opposition and therefore denies the same.

9. Applicant lacks sufficient information to either admit or deny the allegations contained in paragraph 9 of the Opposition and therefore denies the same.

10. Applicant admits that it does not have a license, consent or permission from Opposer to use or register Applicant's mark but denies the implication that any such license, consent or permission is necessary.

11. Applicant denies the allegations contained in paragraph 11 of the Opposition.

12. Applicant denies the allegations contained in paragraph 12 of the Opposition.

In response to the ultimate paragraph in the Opposition, in which Opposer presents its prayer for relief, Applicant denies that Application Serial No. 85/499,234 should be denied registration.

FIRST AFFIRMATIVE DEFENSE

The Opposition fails to state facts sufficient to oppose the application for the mark CHROME GIRL.

SECOND AFFIRMATIVE DEFENSE

Without shifting the burden of proof, which lies with Opposer, there is no likelihood of confusion, mistake, or deception between Opposer's mark and Applicant's mark because of the dissimilarity of Applicant's mark and Opposer's mark when considered in their entireties as to appearance, sound, connotation, and commercial impression.

THIRD AFFIRMATIVE DEFENSE

Without shifting the burden of proof, which lies with Opposer, Applicant is informed and believes that the word "CHROME" features in many registered marks, and that Opposer has no right to the exclusive use of the word CHROME in connection with the goods at issue, nor is it entitled to oppose Applicant's registration or use of its mark.

FOURTH AFFIRMATIVE DEFENSE

Without shifting the burden of proof, which lies with Opposer, Applicant alleges that none of its actions have caused confusion or are likely to result in confusion.

FIFTH AFFIRMATIVE DEFENSE

Without shifting the burden of proof, which lies with Opposer, Applicant denies that there is any likelihood of confusion with respect to its mark and goods as set forth in the application.

SIXTH AFFIRMATIVE DEFENSE

Without shifting the burden of proof, which lies with Opposer, Applicant alleges that Opposer's remedies, if any, are barred or limited by the doctrine of estoppel.

SEVENTH AFFIRMATIVE DEFENSE

Opposer's claims are barred by the doctrine of acquiescence.

EIGHTH AFFIRMATIVE DEFENSE

Opposer's claims are barred by the doctrine of unclean hands.

NINTH AFFIRMATIVE DEFENSE

Opposer's claims are barred by the doctrine of laches.

NINTH AFFIRMATIVE DEFENSE

At the time of this Answer, Applicant does not know which additional affirmative defenses, if any, might apply. Rather than waive the same, Applicant reserves the right to amend this Answer to assert additional matters constituting affirmative defenses which may be revealed through discovery.

WHEREFORE, Applicant prays that the Opposition be ruled in favor of Applicant, and that registration issue on Application Serial No. 85/499,234.

Dated: October 22, 2012

Respectfully submitted,

By: _____
JESSE J. SAIVAR
Attorney for Applicant

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing ANSWER was served on Opposer by mailing a true copy thereof to its attorney of record, by first class mail, postage prepaid, this 22nd day of October, 2012, in an envelope addressed as follows:

Mary Catherine Merz
Merz & Associates, P.C.
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Oak Park, IL 60301-1135
Counsel for Opposer

Jesse J. Saivar