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

Proceeding	91207142
Party	Defendant Implus Footcare, LLC
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Date	11/05/2012
Attachments	REACT Answer.pdf (6 pages)(18275 bytes)

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

Kenneth Cole Productions (LIC), LLC)	
)	
Opposer,)	
)	
v.)	
)	Opposition No. 91207142
Implus Footcare, LLC)	
)	
Applicant)	
)	
)	
)	
)	

ANSWER TO NOTICE OF OPPOSITION

Applicant Implus Footcare, LLC (“Applicant”) hereby responds to the allegations in Opposer Kenneth Cole Productions (LIC), LLC’s (“Opposer”) Notice of Opposition as follows:

1. Applicant lacks sufficient information to form a belief as to the allegations in Paragraph 1, and therefore denies the same.
2. Applicant lacks sufficient information to form a belief as to the allegations in Paragraph 2, and therefore denies the same.
3. Applicant lacks sufficient information to form a belief as to the allegations in Paragraph 3, and therefore denies the same.
4. Applicant denies that Opposer owns a “family of ‘REACTION’ trademarks,” since there are numerous marks owned and/or used by third parties containing REACTION or similar terms in connection with clothing, footwear, and related goods and services. Applicant

lacks sufficient information to form a belief as to the remaining allegations in Paragraph 4, and therefore denies the same.

5. Applicant lacks sufficient information to form a belief as to the allegations in Paragraph 5, and therefore denies the same.

6. Applicant lacks sufficient information to form a belief as to the allegations in Paragraph 6, and therefore denies the same.

7. Applicant lacks sufficient information to form a belief as to the allegations in Paragraph 7, and therefore denies the same.

8. Applicant admits that the U.S. Patent and Trademark Office's online database indicates that Opposer is the owner of those registrations specifically referenced in Paragraph 8.

9. Applicant lacks sufficient information to form a belief as to the allegations in Paragraph 9, and therefore denies the same.

10. Applicant lacks sufficient information to form a belief as to the allegations in Paragraph 10, and therefore denies the same.

11. Applicant lacks sufficient information to form a belief as to the allegations in Paragraph 11, and therefore denies the same.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

19. Admitted.

20. Admitted.

21. Admitted.

22. Denied.

23. Applicant lacks sufficient information to form a belief as to the allegations in

Paragraph 23, and therefore denies the same.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Applicant admits that “insoles for footwear” may be used in connection with

“footwear,” but denies that this automatically makes the goods closely related enough to cause a

likelihood of confusion.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

38. Denied.

39. Denied.

40. Denied.

41. Denied.

42. Denied.

AFFIRMATIVE DEFENSES

1. Opposer has failed to state a claim on which relief may be granted.

2. Opposer does not own a “family” of REACTION marks since there are numerous third-party REACTION, REACT, and similar marks in connection with clothing, footwear, and related goods.

3. The marks REACT and REACTION are not confusingly similar in light of the differences in appearance, pronunciation, and commercial impression; the weak nature of Opposer’s purported REACTION mark; the differences between Opposer’s and Applicant’s Goods; the differences in channels of trade; the sophistication of the relevant consumers; and other factors.

WHEREFORE, Applicant requests that the Opposition be denied; that Application Serial No. 85/211,687 be allowed to register; and for such further relief as may be proper.

Respectfully submitted,

IMPLUS FOOTCARE LLC

By: /Bryce J. Maynard/

Bryce J. Maynard

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Date: November 5, 2012

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing Answer was served this 5th day of November, 2012 by first-class mail, postage prepaid, on:

Howard N. Aronson
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