

ESTTA Tracking number: **ESTTA583605**

Filing date: **01/23/2014**

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

Proceeding	91208076
Party	Defendant Kimsaprincess Inc., 2Die4Kourt, Khlomoney Inc.
Correspondence Address	JENNIFER K CRAFT GORDON & SILVER LTD 3960 HOWARD HUGHES PARKWAY, 9TH FLOOR LAS VEGAS, NV 89169 UNITED STATES JCraft@GORDONSILVER.com, clientdocket@GORDONSILVER.com, agoldsmith@tarterkrinsky.com, docket@tarterkrinsky.com, trademarks@gordonsilver.com
Submission	Answer
Filer's Name	Jennifer Ko Craft
Filer's e-mail	jcrafft@gordonsilver.com, agoldsmith@tarterkrinsky.com, mdarosso@tarterkrinsky.com
Signature	/Jennifer Ko Craft/
Date	01/23/2014
Attachments	Answer of Kardashians to Kouture Notice of Opposition (00728096).PDF(588528 bytes)

Jennifer Ko Craft, Esq
Gordon Silver
3960 Howard Hughes Pkwy.
Ninth Floor
Las Vegas, NV 89169

Amy B. Goldsmith, Esq
Tarter Krinsky & Drogin LLP
1350 Broadway
New York, New York 10520

Attorneys for Applicants

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

-----X
KOUTURE VENTURES, INC.,

Opposer,

Opposition No. 91208076

-against-

ANSWER

KIMSAPRINCESS, INC.;
2DIE4KOURT; and
KHLOMONEY, INC.

Applicants.
-----X

Applicants, Kimsaprincess, Inc., 2Die4Kourt and Khlomoney, Inc. (collectively "Applicant"), by and through their attorneys, Gordon Silver and Tarter Krinsky & Drogin, LLP, as and for their Answer to the Notice of Opposition, aver as follows:

1. Applicant only admits that the U.S. Patent and Trademark Office ("PTO") records purportedly show that Kouture Ventures, Inc. ("Opposer") is the owner of the following U.S. trademark registrations:

Registration No. 4,103,528
Registration No. 3,540,901
Registration No. 4,192,059

Applicant lacks knowledge and information sufficient to form a belief about all remaining allegations of paragraph 1, including, without limitation, whether the registrations referenced in paragraph 1 are valid and subsisting, and accordingly denies the same.

2. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 2 and accordingly denies the same.

3. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 3 and accordingly denies the same.

4. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 4 and accordingly denies the same.

5. Applicant admits that the PTO records purportedly show that Opposer is the owner of the following U.S. trademark applications:

Application No. 77/959,804

Application No. 77/960,317

Application No. 85/177,275

The applications referenced in paragraph 5 are all contained in documents of independent legal significance and Applicant denies any and all allegations in paragraph 5 that are inconsistent therewith.

5(*sic*) Applicant admits that the trademark sought to be opposed is Serial No. 85/441,508, an intent-to-use application filed on October 6, 2011.

6. Applicant denies the allegations in paragraph 6.

COUNT I – LIKELIHOOD OF CONFUSION UNDER §2(d) OF THE LANHAM ACT

7. Applicant repeats, reiterates and realleges each and every response contained in the foregoing paragraphs with the same force and effect as if more fully set at length herein.

8. Applicant denies the allegations in paragraph 8.

9. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 9 and accordingly denies the same.

10. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 10 and accordingly denies the same.

11. Applicant denies the allegations in paragraph 11.

12. Applicant denies the allegations in paragraph 12.

COUNT II – NO BONA FIDE INTENT TO USE UNDER §1(b) OF THE LANHAM ACT

13. Applicant repeats, reiterates and realleges each and every response contained in the foregoing paragraphs with the same force and effect as if more fully set at length herein.

14. Applicant denies the allegations in paragraph 14.

15. Applicant denies the allegations in paragraph 15.

FIRST AFFIRMATIVE DEFENSE

Opposer has failed to state a claim upon which any relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Opposer's claims are barred on the grounds of no likelihood of confusion.

THIRD AFFIRMATIVE DEFENSE

Opposer's claims are barred on the grounds of laches and acquiescence.

WHEREFORE, Applicant respectfully requests judgment denying the Notice of Opposition in its entirety and permitting registration of Applicant's Application Serial No. 85/441,508.

///

///

///

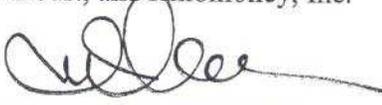
///

Dated: New York, New York
January 23, 2014

Respectfully submitted,

GORDON SILVER

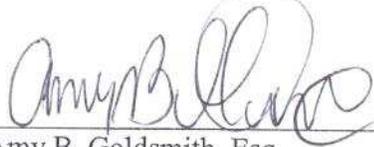
Attorneys for Applicant Kimsaprincess, Inc.,
2Die4Kourt, and Khlomoney, Inc.

By: 

Jennifer Ko Craft, Esq.
3960 Howard Hughes Pkwy.
Ninth Floor
Las Vegas, NV 89169

TARTER KRINSKY & DROGIN, LLP

Attorneys for Applicant Kimsaprincess, Inc.,
2Die4Kourt, and Khlomoney, Inc.

By: 

Amy B. Goldsmith, Esq.
1350 Broadway
New York, NY 10018
(212) 216-8000

CERTIFICATE OF SERVICE

I, Marisol DaRosso, hereby certify that on January 23, 2014, a true copy of the Answer to the Notice of Opposition was served by first class mail upon Opposer's counsel, as follows:

TO: Malloy & Malloy, P.L.
John Cyril Malloy
Oliver Alan Ruiz
Attorneys for Opposer
2800 S.W. Third Avenue
Miami, Florida 33129

By: 
Marisol DaRosso