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

Proceeding	91209557
Party	Defendant ABC Home Furnishings, Inc.
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Submission	Answer
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Date	04/15/2013
Attachments	2013-04-15 Answer to Notice of Opp - 85,384-796.pdf (5 pages)(717963 bytes)

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

In the matter of

U.S. Trademark Application 85/384,796
For the mark ABC KITCHEN
Published in the Official Gazette on September 11, 2012

Horizon U.A.E. FZCO, Opposer, -against- ABC Home Furnishings, Inc., Applicant.	Opposition No. 91209557

ANSWER TO
NOTICE OF OPPOSITION

Applicant ABC Home Furnishings, Inc. ("Applicant" or "ABC Home"), by its attorneys, Lathrop & Gage LLP, as and for its Answer to the Notice of Opposition ("Notice") filed by Opposer Horizon U.A.E. FZCO ("Opposer" or "Horizon") responds as follows:

1. Applicant denies that Opposer will be damaged by registration of the mark ABC KITCHEN as shown in Application Serial No. 85/384,796 (the "Application") and, except as so stated, Applicant lacks knowledge or information sufficient to form a belief as to the truth of each and every remaining allegation set forth in paragraph 1 of the Notice and therefore denies the same.

2. Applicant admits the allegations set forth in paragraph 2 of the Notice.

3. Applicant admits that it is the owner of the Application which was filed with the U.S. Patent and Trademark Office ("USPTO") on July 29, 2011 based upon an intention to use

pursuant to 15 U.S.C. §1051(b) and, except as so admitted, respectfully refers the Trademark Trial and Appeal Board to the records of the U.S. Patent and Trademark Office concerning the Application for information on the goods and services covered by the Application. Except as so admitted and stated, Applicant otherwise denies each and every remaining allegation set forth in paragraph 3 of the Notice.

4. Applicant admits the allegations set forth in paragraph 4 of the Notice.

5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5 of the Notice and therefore denies the same.

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 6 of the Notice and therefore denies the same.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 7 of the Notice and therefore denies the same.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 8 of the Notice and therefore denies the same.

9. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 9 of the Notice and therefore denies the same.

10. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 10 of the Notice and therefore denies the same.

11. Applicant denies the allegations set forth in paragraph 11 of the Notice.

12. Applicant denies the allegations set forth in paragraph 12 of the Notice.

13. Applicant denies the allegations set forth in paragraph 13 of the Notice.

14. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 14 of the Notice and therefore denies the same.

15. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 15 of the Notice and therefore denies the same.

COUNT I

Likelihood of Confusion

16. Applicant repeats and realleges each and every response to each and every allegation set forth in paragraphs 1 through 15 of the Notice as if fully set forth herein.

17. Applicant denies the allegations set forth in paragraph 17 of the Notice.

18. Applicant denies the allegations set forth in paragraph 18 of the Notice.

COUNT II

Trademark Dilution

19. Applicant repeats and realleges each and every response to each and every allegation set forth in paragraphs 1 through 18 of the Notice as if fully set forth herein.

20. Applicant denies the allegations set forth in paragraph 20 of the Notice.

21. Applicant denies the allegations set forth in paragraph 21 of the Notice.

22. Applicant denies the allegations set forth in paragraph 22 of the Notice.

AFFIRMATIVE DEFENSE

23. The Notice fails, in whole or in part, to state a claim upon which relief can be granted.

WHEREFORE, Applicant respectfully requests that Opposition No. 91209557 be denied

and that Application No. 85/384,796 for the mark ABC KITCHEN be passed to registration.

Dated: New York, New York
April 15, 2013

LATHROP & GAGE LLP

By: _____
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Attorneys for Applicant
ABC Home Furnishings, Inc.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing Answer To Notice Of Opposition was served this 15th day of April, 2013 via first class mail, postage prepaid, upon the attorneys for Opposer at the following address:

Timothy Fraelich, Esq.
Jones Day
North Point
901 Lakeside Avenue
Cleveland, Ohio 44114-1190

Thomas H. Curtin