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

Proceeding	91210431
Party	Defendant Natalie Lee
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Date	09/09/2013
Attachments	FINAL Answer -- SB Phillips v Natalie Lee (71011).pdf(44778 bytes)

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

SB PHILLIPS LLC, Opposer, v. NATALIE LEE, Applicant.	Opposition No. 91210431 Serial No. 85465171  Mark:  Filing Date: November 4, 2011
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ANSWER

Natalie Lee (“Applicant”) answers the Notice of Opposition filed by SB Phillips LLC (“Opposer”) against her pending Application Serial No. 85465171 as set forth below.

With respect to the preamble of the Notice of Opposition and the ESTTA-generated filing form, Applicant admits that she has a mailing address of 50 F Street, N.W., Washington, DC 20001 and filed Application Serial No. 85465171 for the CAFE PHILLIPS and Design mark shown in the case caption above (“Applicant’s Mark”). Applicant admits that the Trademark and Trial and Appeal Board (“TTAB”) granted Opposer’s requests for extensions of time to file an opposition against Applicant’s Mark until April 28, 2013. As to the grounds for opposition, Applicant denies all such allegations and claims and denies that Opposer has been or will be damaged by the registration of Applicant’s Mark. Applicant lacks sufficient information to form a belief as to the truth or falsity of the remaining allegations in the preamble of the Notice of Opposition and ESTTA-generated filing form, and therefore denies them.

Regarding the numbered Paragraphs of the Notice of Opposition, Applicant answers as follows:

Opposer and its PHILLIPS Marks

1. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 1 of the Notice of Opposition, and therefore denies them.

2. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 2 of the Notice of Opposition, and therefore denies them.

3. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 3 of the Notice of Opposition, and therefore denies them.

4. Applicant admits that, according to U.S. Patent and Trademark Office (“PTO”) records, Opposer is the listed owner of U.S. Registration Nos. 1125048, 0970391, 1106334, 2395764, and 3243635 (“Opposer’s Asserted Registrations”). Applicant lacks sufficient information to form a belief as to the truth or falsity of the remaining allegations in Paragraph 4, and therefore denies them.

5. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 5 of the Notice of Opposition, and therefore denies them.

6. Applicant admits that, according to PTO records, Opposer has filed affidavits under Section 15 of the Trademark Act, 15 U.S.C. § 1065 for Opposer’s Asserted Registrations and that those affidavits have been acknowledged by the PTO.

Applicant lacks sufficient information to form a belief as to the truth or falsity of the remaining allegations in Paragraph 6, and therefore denies them.

Applicant and her CAFE PHILLIPS and Design Application

7. Admitted.

8. Admitted.

9. Applicant admits that "CAFE" has been disclaimed apart from Applicant's

Mark as shown. Applicant denies the remaining allegations in Paragraph 9.

Likelihood of Confusion, 15 U.S.C. 1052(d)

10. Applicant incorporates by reference her responses to Paragraphs 1-9 above.

11. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 11 of the Notice of Opposition, and therefore denies them.

12. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in Paragraph 12 of the Notice of Opposition, and therefore denies them.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Applicant denies that there is any basis for sustaining this opposition in favor of Opposer or refusing registration of Applicant's Mark.

WHEREFORE, Applicant prays that this opposition be dismissed with prejudice, and that Applicant's Mark be granted registration.

Respectfully Submitted,

Dated: September 9, 2013

/Stephanie H. Bald/

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CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing ANSWER was served by U.S. mail, postage prepaid, on this 9th day of September 2013, upon counsel for Opposer at the following address of record:

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/Larry L. White/
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