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

Proceeding	91210514
Party	Defendant Kennedy, Rachel Elizabeth
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Submission	Answer
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Date	06/13/2013
Attachments	Answerlucky puppyNotice of Opposition 6-13-13pdf.pdf(96993 bytes)

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

**In the Matter of Application Serial no. 85/576906 filed 03/22/2012
Int'l Class 25 and published in the *Official Gazette* 03/05/2013.**

Lucky Pup Designs, Inc.)	
)	
)	Opposition No. 91210514
Opposer,)	
)	
-against-)	
)	
Rachel Elizabeth Kennedy)	
)	
Applicant.)	
)	

ANSWER TO NOTICE OF OPPOSITION

Commissioner for Trademarks
Attention Trial and Appeal Board
PO Box 1451
Alexandria, VA 22313-1451

Dear Sir/Madam:

Applicant, Rachel Elizabeth Kennedy (hereinafter "Applicant") hereby responds to the Notice of Opposition as follows:

1. Applicant admits the allegations of this paragraph
2. Applicant admits the allegations of this paragraph.
3. Applicant is without sufficient information to form a belief as to matters set forth in this paragraph and, on that basis, denies those allegations.

4. Applicant is without sufficient information to form a belief as to matters set forth in this paragraph and, on that basis, denies those allegations.
5. Applicant is without sufficient information to form a belief as to matters set forth in this paragraph and, on that basis, denies those allegations.
6. Applicant is without sufficient information to form a belief as to matters set forth in this paragraph and, on that basis, denies those allegations.
7. Applicant is without sufficient information to form a belief as to matters set forth in this paragraph and, on that basis, denies those allegations.
8. A Applicant is without sufficient information to form a belief as to matters set forth in this paragraph and, on that basis, denies those allegations.
9. Applicant is without sufficient information to form a belief as to matters set forth in this paragraph and, on that basis, denies those allegations.
10. Applicant is without sufficient information to form a belief as to matters set forth in this paragraph and, on that basis, denies those allegations.
11. Applicant is without sufficient information to form a belief as to matters set forth in this paragraph and, on that basis, denies those allegations.
12. A Applicant is without sufficient information to form a belief as to matters set forth in this paragraph and, on that basis, denies those allegations.
13. Applicant is without sufficient information to form a belief as to matters set forth in this paragraph and, on that basis, denies those allegations.
14. Applicant is without sufficient information to form a belief as to matters set forth in this paragraph and, on that basis, denies those allegations.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE-ABSENCE OF DAMAGES: Opposer has not and will not be damaged by the registration of the trademark LUCKY PUP and therefore lacks standing to oppose the registrations.

SECOND AFFIRMATIVE DEFENSE- ABSENCE OF LIKELIHOOD OF CONFUSION: Lanham Act Section 2(d)- the marks of the Applicant compared to the mark of the Opposer (a) are different in sound, appearance, meaning and commercial impression; (b) are unrelated and marketed through different channels of trade; (c) are provided to different classes of consumers; (d) Applicant's asserted marks are weak and entitled to only a narrow scope of protection; (e) there is no evidence of actual confusion; and (f) that recipients of the services are sophisticated and therefore less apt to be confused by the marks.

Applicant hereby gives notice that it may rely on any other defenses that may become available or appear proper during discovery, and hereby reserves its right to amend this Answer to assert any such defenses.

WHEREFORE, Applicant prays that this opposition be dismissed, and that the subject application proceed to registration and for such other and further relief as may be appropriate.

Dated June 13, 2013

Respectfully submitted,

G&A Legal, a professional corporation

A handwritten signature in blue ink that reads "Pollie Gautsch". The signature is written in a cursive style and is placed over a black rectangular background.

BY: _____
Pollie A. Gautsch
2033 San Elijo #201
Cardiff, California 92007
(858) 481-1300
Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing Answer to Notice of Opposition on the Attorney of Record for the Applicant by mailing it via First Class Mail postage prepaid, on the 13th day of June 2013 at the address indicated below:

Joshua R. Furman
JOSHUA R. FURMAN LAW CORP.
15260 Ventura Boulevard, Suite 2250
Sherman Oaks, CA 91403
Telephone: (818) 646-4300
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