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

|                           |   |
|---------------------------|---|
| Proceeding                | 91210740  |
| Party                     | Defendant<br>ANNE SOPHIE, INC.  |
| Correspondence<br>Address | Cameron Hopkins<br>Cameron A. Hopkins, A Professional Corporation<br>865 S. Figueroa Street, Suite 1388<br>Los Angeles, CA 90017<br>UNITED STATES<br>cameron@hoplawfirm.com |
| Submission                | Answer  |
| Filer's Name              | Cameron A. Hopkins  |
| Filer's e-mail            | cameron@hoplawfirm.com  |
| Signature                 | /Cameron A. Hopkins/  |
| Date                      | 07/30/2013  |
| Attachments               | AnneSophie Answer (current).pdf(85569 bytes )   |

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

In the Matter of:  
Application Serial No. 85/645,701  
Published in the *Official Gazette*  
January 22, 2013

|                                 |   |                         |
|---------------------------------|---|-------------------------|
| THE UNIVERSITY OF TENNESSEE,    | ) |                         |
|                                 | ) |                         |
| Opposer,                        | ) |                         |
|                                 | ) |                         |
| v.                              | ) | Opposition No. 91210740 |
|                                 | ) |                         |
| ANNE SOPHIE, INC. d/b/a EMPERIA | ) |                         |
| CORPORATION,                    | ) |                         |
|                                 | ) |                         |
| Applicant.                      | ) |                         |

**APPLICANT’S ANSWER TO NOTICE OF OPPOSITION**

Applicant, ANNE SOPHIE, INC. d/b/a Emperia Corporation, for its answer to the Notice of Opposition filed by THE UNIVERSITY OF TENNESSEE, against application for registration of ANNE SOPHIE, INC. d/b/a Emperia Corporation trademark, Serial No. 85/645,701 filed June 7, 2012, and published in the Official Gazette of January 22, 2013, pleads and avers as follows:

1. Answering paragraph 1 of the Notice of Opposition, Applicant admits the allegations thereof.
2. Answering paragraph 2 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
3. Answering paragraph 3 of the Notice of Opposition, Applicant admits the allegations thereof.

4. Answering paragraph 4 of the Notice of Opposition, Applicant admits the allegations thereof.

5. Answering paragraph 5 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

6. Answering paragraph 6 of the Notice of Opposition, Applicant denies that “Opposer’s T Mark” is a “virtually identical T logo” (as the term Opposer’s T Mark is defined in paragraph 5 and then used in paragraph 6 as being “virtually identical” to Applicant’s Mark). As to the remainder of the allegations contained within paragraph 6 of the Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

7. Answering paragraph 7 of the Notice of Opposition, Applicant denies that “Opposer’s T Mark” is a “virtually identical T logo” (as the term Opposer’s T Mark is defined in paragraph 5 and then used in paragraph 7 as being “virtually identical” to Applicant’s Mark). As to the remainder of the allegations contained within paragraph 7 of the Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

8. Answering paragraph 8 of the Notice of Opposition, Applicant denies that “Opposer’s T Mark” is a “virtually identical T logo” (as the term Opposer’s T Mark is defined in paragraph 5 and then used in paragraph 8 as being “virtually identical” to Applicant’s Mark). As to the remainder of the allegations contained within paragraph 8 of the Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

9. Answering paragraph 9 of the Notice of Opposition, Applicant denies that “Opposer’s T Mark” is a “virtually identical T logo” (as the term Opposer’s T Mark is defined in paragraph 5 and then used in paragraph 9 as being “virtually identical” to Applicant’s Mark). As to the remainder of the allegations contained within paragraph 9 of the Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

10. Answering paragraph 10 of the Notice of Opposition, Applicant denies that “Opposer’s T Mark” is a “virtually identical T logo” (as the term Opposer’s T Mark is defined in paragraph 5 and then used in paragraph 10 as being “virtually identical” to Applicant’s Mark). As to the remainder of the allegations contained within paragraph 10 of the Opposition, Applicant denies each and every allegation contained therein.

11. Answering paragraph 11 of the Notice of Opposition, Applicant denies that “Opposer’s T Mark” is a “virtually identical T logo” (as the term Opposer’s T Mark is defined in paragraph 5 and then used in paragraph 11 as being “virtually identical” to Applicant’s Mark). As to the remainder of the allegations contained within paragraph 11 of the Opposition, Applicant denies each and every allegation contained therein.

12. Answering paragraph 12 of the Notice of Opposition, Applicant denies that “Opposer’s T Mark” is a “virtually identical T logo” (as the term Opposer’s T Mark is defined in paragraph 5 and then used in paragraph 12 as being “virtually identical” to Applicant’s Mark). As to the remainder of the allegations contained within paragraph 12 of the Opposition, Applicant denies each and every allegation contained therein.

13. Answering paragraph 13 of the Notice of Opposition, Applicant denies that “Opposer’s T Mark” is a “virtually identical T logo” (as the term Opposer’s T Mark

is defined in paragraph 5 and then used in paragraph 13 as being “virtually identical” to Applicant’s Mark). As to the remainder of the allegations contained within paragraph 13 of the Opposition, Applicant denies each and every allegation contained therein.

14. Answering paragraph 14 of the Notice of Opposition, Applicant denies that “Opposer’s T Mark” is a “virtually identical T logo” (as the term Opposer’s T Mark is defined in paragraph 5 and then used in paragraph 14 as being “virtually identical” to Applicant’s Mark). As to the remainder of the allegations contained within paragraph 14 of the Opposition, Applicant denies each and every allegation contained therein.

15. Answering paragraph 15 of the Notice of Opposition, Applicant denies that “Opposer’s T Mark” is a “virtually identical T logo” (as the term Opposer’s T Mark is defined in paragraph 5 and then used in paragraph 15 as being “virtually identical” to Applicant’s Mark). As to the remainder of the allegations contained within paragraph 15 of the Opposition, Applicant denies each and every allegation contained therein.

16. Answering paragraph 16 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

17. Answering paragraph 17 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

18. Applicant further affirmatively alleges that as a result of its continuous substantial usage of its mark since February 15, 2012, this mark is a valuable asset of Applicant and carries considerable goodwill and consumer acceptance of its products sold under the mark. Such goodwill and widespread usages has made the mark distinctive to the Applicant.

19. Applicant further affirmatively alleges that there is no likelihood of confusion, mistake or deception, because, *inter alia*, Applicant's mark and the pleaded mark of Opposer are not confusingly similar. While both the Applicant's and Opposer's marks contain the letter "T", Applicant's mark is stylized and, therefore, is distinctive from Opposer's mark. Additionally, any trademark or service mark rights that Opposer may have are narrowly circumscribed to the goods or services indicated in paragraph 7 of the Notice of Opposition, and any other use, as set forth in Applicant's Application, would not lead to a likelihood of confusion.

20. Applicant further affirmatively alleges that Applicant has been using its mark and developing consumer recognition and goodwill in its mark since February 15, 2012, and Opposer has done nothing and is consequently barred by laches, acquiescence and estoppel from opposing Applicant's application.

21. Applicant further affirmatively alleges that there is no likelihood of dilution of Opposer's mark because Applicant's mark is associated with "handbags, purses and wallets", whereas Opposer's mark is associated with the goods listed in paragraph 7 of the Notice of Opposition which primarily consist of jewelry, posters/stationary/sporting event schedules, key chains/plastic license plates/flags, drinking cups, clothing, and entertainment services (not all goods are listed). Opposer's closest listed good is "carrying bags" which is listed under class 28 along with "dolls, footballs, basketballs, golf balls, helmets, stuffed animals, miniaturized toy figures, and games". Applicant alleges that Opposer's goods containing Opposer's mark are, therefore, not the same as or related to Applicant's.

22. Applicant further alleges that there is no likelihood of dilution because Opposer's and Applicant's marks are not sufficiently similar; neither Applicant nor Applicant's predecessors in interest intended any association with Opposer's marks or any of them; and upon information and belief, ordinary prospective purchasers of Applicant's products do not associate Applicant's and Opposer's marks.

Respectfully submitted,

Anne Sophie, Inc. d/b/a Emperia Corporation

By: s /Cameron A. Hopkins/  
Cameron A. Hopkins  
Law Offices of Cameron A. Hopkins, PC  
865 S. Figueroa Street, Suite 1388  
Los Angeles, California 90017  
(213) 892-9957  
Attorneys for Applicant

Date: July 30, 2013

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Applicant's Answer to Notice of Opposition has been served on opposing counsel by mailing said copy on July 30, 2013, via First Class Mail, postage prepaid to:

Wade R. Orr, Esq., Reg. No. 59,390  
Mark P. Crockett, Esq., Reg. No. 47,507  
Michael J. Bradford, Esq., Reg. No. 52,646  
LUEDEKA NEELY GROUP, P.C.  
Attorneys for Opposer  
P.O. Box 1871  
Knoxville, TN 37901

Date: July 30, 2013

s /Cameron A. Hopkins/