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

Proceeding	91211395
Party	Defendant Talus Outdoor Technologies, LLC
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Date	09/10/2013
Attachments	Talus v Double-Cola Vit. Ski ANSWER.pdf(163872 bytes)

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

DOUBLE-COLA CO.-USA,

Opposer,

v.

TALUS OUTDOOR TECHNOLOGIES, LLC,

Applicant.

Opposition No. 91211395

ANSWER TO NOTICE OF OPPOSITION

Talus Outdoor Technologies, LLC (“Applicant”) hereby answers the Opposition filed by Double-Cola Co.-USA (“Opposer”) against U.S. Trademark Application Serial No. 85/564,478 for the mark VITAMIN SKI as follows:

1. Applicant lacks knowledge or information sufficient to admit or deny the allegations in this Paragraph.
2. Applicant lacks knowledge or information sufficient to admit or deny the allegations in this Paragraph.
3. Applicant lacks knowledge or information sufficient to admit or deny the allegations in this Paragraph.
4. Applicant lacks knowledge or information sufficient to admit or deny the allegations in this Paragraph.
5. Admitted.
6. Applicant lacks knowledge or information sufficient to admit or deny the allegations in this Paragraph.

7. Applicant lacks knowledge or information sufficient to admit or deny the allegations in this Paragraph.
8. Applicant admits that, on March 8, 2012, Applicant filed an intent-to-use application to register the mark VITAMIN SKI in connection with the Class 005 goods listed in the application. Applicant denies any remaining allegations in this Paragraph.
9. Denied.
10. Denied.

AFFIRMATIVE PLEADINGS

1. Applicant's mark is sufficiently distinctive and different from Opposer's marks as to avoid confusion, deception, or mistake as to the source or origin of goods.
2. Applicant's goods and Opposer's goods are not competitive, and are sufficiently unrelated as to produce any likelihood of confusion between the VITAMIN SKI mark and Opposer's marks.
3. Upon information and belief, Opposer's marks do not share a similar or common commercial impression therefore there is no likelihood of consumer confusion between the VITAMIN SKI mark and Opposer's marks.
4. Upon information and belief, Applicant's goods and Opposer's goods are intended to be purchased by consumers having different levels of purchaser sophistication therefore there is no likelihood of consumer confusion between the VITAMIN SKI mark and Opposer's marks.

WHEREFORE, Applicant requests that this Opposition be dismissed in its entirety and that Applicant's mark VITAMIN SKI, Serial No. 85/564,478, be permitted to mature to registration.

Respectfully submitted,

/Katherine Sullivan/
Katherine Sullivan
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1001 E. Broadway #2 PMB 306
Missoula, MT 59802

Attorney for Applicant

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing ANSWER was served on counsel for Opposer at the following address by U.S. mail, postage prepaid, on the 10th day of September, 2013.

John Gabrielides
Tiffany W. Shimada
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/Katherine Sullivan/