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

Proceeding	91213492
Party	Defendant Buzz Aldrin Enterprises
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Date	04/23/2014
Attachments	Opp. No. 91213492 - THEREALBUZZ - Answer to Notice of Opposition.pdf(110987 bytes )

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

In re Application No. 85/856,184 filed on February 21, 2013, and published on July 16, 2013, for the mark THEREALBUZZ in Class 32.

STARBUZZ TOBACCO, INC.	)	
	)	
Opposer	)	
	)	
v.	)	Opp. No. 91213492
	)	
BUZZ ALDRIN ENTERPRISES	)	
	)	
Applicant	)	

**ANSWER TO NOTICE OF OPPOSITION**

Applicant Buzz Aldrin Enterprises (“Applicant”), in Answer to Opposer Starbuzz Tobacco, Inc.’s (“Opposer”) Notice of Opposition, hereby states as follows:

1. Applicant lacks the knowledge or information sufficient to respond to the allegations in Paragraph 1 and therefore denies the same.
2. Applicant admits that the USPTO records indicate that Opposer is the owner of U.S. Reg. No. 4,422,168 for the mark STARBUZZ AFTERBURNER. Applicant lacks the knowledge or information sufficient to respond to the remaining allegations in Paragraph 2, and therefore denies the same.
3. Applicant admits the allegations in Paragraph 3.
4. Applicant admits the allegations in Paragraph 4.
5. Applicant admits the allegations in Paragraph 5.
6. Applicant lacks the knowledge or information sufficient to respond to the allegations in Paragraph 6 and therefore denies the same.

7. Applicant admits that the USPTO records indicate that that the filing date of Opposer's application for STARBUZZ AFTERBURNER that resulted in U.S. Reg. No. 4,422,168 is October 4, 2009, which is prior to the filing date of Applicant's application for THEREALBUZZ, Serial No. 85/856,184. Applicant denies that Opposer's rights to its trademark STARBUZZ AFTERBURNER have priority over any rights claimed by Applicant in its trademark THEREALBUZZ. Applicant lacks the knowledge or information sufficient to respond to the remaining allegations in Paragraph 7 and therefore denies the same.

8. Applicant denies the allegations in Paragraph 8.

9. Applicant denies the allegations in Paragraph 9.

10. Applicant lacks the knowledge or information sufficient to respond to the allegations in Paragraph 10 and therefore denies the same.

11. Applicant lacks the knowledge or information sufficient to respond to the allegations in Paragraph 11 and therefore denies the same.

12. Applicant lacks the knowledge or information sufficient to respond to the allegations in Paragraph 12 and therefore denies the same.

13. Applicant lacks the knowledge or information sufficient to respond to the allegations in Paragraph 13 and therefore denies the same.

14. Applicant denies the allegations in Paragraph 14.

#### **AFFIRMATIVE DEFENSES**

15. Opposer has failed to state a claim upon which relief may be granted.

16. The THEREALBUZZ mark is not likely to cause confusion in the marketplace with the STARBUZZ AFTERBURNER mark because, *inter alia*, the marks are different in appearance, sound, connotation, and commercial impression.

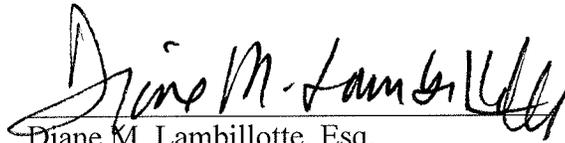
17. Applicant reserves all affirmative defenses under Rule 8 of the Federal Rules of Civil Procedure, the Lanham Act, and any other defenses or counterclaims at law or in equity, that may now exist or in the future be available based on discovery and further factual investigation in this case.

WHEREFORE, Applicant hereby requests that the Notice of Opposition be dismissed with prejudice.

Respectfully submitted,  
BUZZ ALDRIN ENTERPRISES

Dated: April 23, 2014

By:



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Los Angeles, CA 90013  
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Attorneys for Applicant

**CERTIFICATE OF SERVICE**

It is hereby certified that the foregoing Answer is being served on Opposer at the following address:

Martin E. Jerisat  
Legal Department  
Starbuzz Tobacco, Inc.  
10871 Forbes Ave  
Garden Grove, CA 92843

via First Class Mail, postage prepaid, and via electronic mail this 23rd day of April 2014.

  
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Linda Stetson