

ESTTA Tracking number: **ESTTA579257**

Filing date: **12/30/2013**

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

Proceeding	91213561
Party	Defendant Steven L. Paige D.D.S. P.C.
Correspondence Address	Stacie Foster Ironmark Law Group, PLLC 2311 N 45TH ST STE 365 Seattle, WA 98103 UNITED STATES sfoster@ironmarklaw.com;trademarks@iron
Submission	Answer
Filer's Name	Julie Bungler
Filer's e-mail	jmbunger@ironmarklaw.com, sfoster@ironmarklaw.com
Signature	/s/Julie Bungler
Date	12/30/2013
Attachments	12-29-2013 FINAL Answer to Opposition AFordable Dental care.pdf(100049 bytes)

7. Applicant denies the allegations in paragraph 7.
8. Applicant denies the allegations in paragraph 8.
9. Applicant denies the allegations in paragraph 9.

Affirmative Defenses

In further answer to the Notice of Opposition, and as affirmative defenses thereto, Applicant asserts that:

10. Opposer's Notice of Opposition fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the opposition.
11. The term AFFORDABLE DENTURES is highly descriptive as a trademark and therefore weak, and Opposer's purported rights extend no further than to the specific marks which Opposer alleges it owns, none of which are the same as or confusingly similar to Applicant's Mark in terms of connotation, appearance and/or pronunciation.
12. Applicant's use of the Mark will neither mistakenly be thought by the public to derive from the same source as Opposer's goods, nor will such use be thought by the public to be a use by Opposer or with Opposer's authorization or approval.
13. Applicant's Mark in its entirety is sufficiently distinctively different from Opposer's registrations to avoid confusion, deception or mistake as to the source or sponsorship or association of Applicant's goods.
14. Applicant's Mark, when used on Applicant's goods, is not likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection or association of Applicant with Opposer, or as to the origin, sponsorship, or approval of Applicant's goods by Opposer.

Relief Requested

WHEREFORE, Applicant, having set forth its Answer to the Notice of Opposition and its affirmative defenses, respectfully requests that this opposition proceeding be dismissed, with prejudice.

DATED this 30th of December 2013.
Respectfully Submitted,

IRONMARK LAW GROUP, PLLC
By: /s/ Stacie Foster

Stacie Foster
Christopher S. Beer
Attorneys for Applicant

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER was served by mail on Counsel of Record for Opposer Affordable Dentures, Inc., postage prepaid, at the following address:

Andrew J. Avsec
Brinks Hofer Gilson & Lione
P.O. Box 10395
Chicago, IL 60610

DATED this 30th of December 2013.

By: /s/ Stacie Foster
Stacie Foster