

ESTTA Tracking number: **ESTTA599886**

Filing date: **04/22/2014**

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

Proceeding	91215418
Party	Defendant INSPIRED BEAUTY BRANDS, INC.
Correspondence Address	MATTHEW J. BRESNAHAN WILSON SONSINI GOODRICH & ROSATI 12235 EL CAMINO REAL STE 200 SAN DIEGO, CA 92130-3002 mbresnahan@wsgr.com
Submission	Answer
Filer's Name	Matthew J. Bresnahan, Terry Hooper
Filer's e-mail	mbresnahan@wsgr.com, thooper@wsgr.com
Signature	/Matthew J. Bresnahan/Terry Hooper/
Date	04/22/2014
Attachments	TM1065_Answer to Notice of Opposition No. 91215418.pdf(102264 bytes)

5. Applicant lacks information sufficient to admit or deny the allegations of Paragraph 5 of the Notice of Opposition, and therefore denies the allegations.

6. Applicant lacks information sufficient to admit or deny the allegations of Paragraph 6 of the Notice of Opposition, and therefore denies the allegations.

7. Applicant denies the allegations of Paragraph 7 of the Notice of Opposition.

8. Applicant lacks information sufficient to admit or deny the allegations of Paragraph 8 of the Notice of Opposition, and therefore denies the allegations.

9. Applicant denies the allegations of Paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations of Paragraph 10 of the Notice of Opposition.

11. Applicant denies the allegations of Paragraph 11 of the Notice of Opposition.

12. Applicant denies the allegations of Paragraph 12 of the Notice of Opposition.

13. Applicant admits that each of Opposer's marks employ descriptive terms. Applicant denies the remaining allegations of Paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations of Paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations of Paragraph 15 of the Notice of Opposition.

16. Applicant denies the allegations of Paragraph 16 of the Notice of Opposition.

17. Applicant denies the allegations of Paragraph 17 of the Notice of Opposition.

18. Applicant denies the allegations of Paragraph 18 of the Notice of Opposition.

19. Applicant denies the allegations of Paragraph 19 of the Notice of Opposition.

First Affirmative Defense

20. The Notice of Opposition fails to set forth facts sufficient to entitle Opposer to the relief sought.

Second Affirmative Defense

21. The Notice of Opposition is barred by the doctrine of laches.

Third Affirmative Defense

22. The Notice of Opposition is barred by the doctrines of waiver, acquiescence and estoppel.

Fourth Affirmative Defense

23. None of Opposer's pleaded marks are famous, well known, or favorably known.

Fifth Affirmative Defense

24. The Opposer's pleaded marks are generic.

Sixth Affirmative Defense

25. The Opposer's pleaded marks are descriptive and devoid of any secondary meaning.

Seventh Affirmative Defense

26. There is no likelihood of confusion with respect to the Opposer's mark(s) and the Applicant's mark and goods as set forth in the instant application.

Eighth Affirmative Defense

27. There is no likelihood of confusion with respect to the Opposer's mark(s) and the Applicant's mark and actual goods.

Ninth Affirmative Defense

28. The Applicant and its privities have continuously used Applicant's mark or virtually identical variations thereof nationwide and in geographic territories therein since at least as early as prior to the Opposer's earliest first use and filing dates.

Tenth Affirmative Defense

29. The Applicant and its privities acquired senior common law rights to Applicant's mark or virtually identical variations thereof before the Opposer's earliest first use and filing dates.

Dated: April 22, 2014

WILSON SONSINI GOODRICH & ROSATI
A Professional Corporation

By: Matthew J. Bresnahan/
Matthew J. Bresnahan
Attorneys for Applicant
Inspired Beauty Brands, Inc.

Please address all communications concerning this proceeding to:

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trademarks@wsgr.com

CERTIFICATE OF SERVICE BY MAIL

I, Terry Hooper, declare:

I am employed in San Diego County. I am over the age of 18 years and not a party to the within action. My business address is Wilson Sonsini Goodrich & Rosati, 12235 El Camino Real, Suite 200, San Diego, California 92130.

I am readily familiar with Wilson Sonsini Goodrich & Rosati's practice for collection and processing of correspondence for mailing with the United States Postal Service. In the ordinary course of business, correspondence would be deposited with the United States Postal Service on this date.

On this date, I served **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION** on each person listed below, by placing the document described above in an envelope addressed as indicated below, which I sealed. I placed the envelope for collection and mailing with the United States Postal Service on this day, following ordinary business practices at Wilson Sonsini Goodrich & Rosati.

Roberta Jacobs-Meadway
Brendan P. Ruddy
ECKERT SEAMANS CHERIN & MELLOTT, LLC
Two Liberty Place
50 S. 16th Street, 22nd Floor
Philadelphia, PA 19102
rjacobsmeadway@eckertseamans.com

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct. Executed at San Diego, California on April 22, 2014.

/Terry Hooper /
Terry Hooper