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Filing date: **01/27/2015**

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

Proceeding	91219822
Party	Defendant Periwinkle, LLC
Correspondence Address	MICHAEL CHAMOWITZ LAW OFFICES OF MICHAEL J. CHAMOWITZ, P.C 118 N ALFRED ST ALEXANDRIA, VA 22314-3011  mchamowitz@chamlaw.com;kadkins@chamlaw.
Submission	Answer
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Signature	/Michael J. Chamowitz/
Date	01/27/2015
Attachments	Answer to Notice of Opposition - Opposition No 91219822.PDF(50844 bytes )

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

In the Matter of Application Serial No. 85/540,923 for PERIWINKLE and design  
Published in the *Official Gazette* of August 26, 2014

The Sporn Company, Inc.	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No.: 91219822
	)	
Periwinkle, LLC	)	
	)	
Applicant	)	

**ANSWER TO NOTICE OF OPPOSITION**

Periwinkle, LLC (“Applicant”) answers The Sporn Company, Inc.’s (“Opposer”) Notice of Opposition as follows:

1. Applicant is without sufficient knowledge to admit or deny Paragraph 1 and therefore denies it in full and demands strict proof thereof.
2. Opposer cites a U.S. trademark application and registration the records of which are the best evidence of their content; therefore, reference is hereby made to the same. Except as admitted, denied.
3. Opposer cites a U.S. trademark application the records of which are the best evidence of their content; therefore, reference is hereby made to the same. Except as admitted, denied.
4. Applicant is without sufficient knowledge to admit or deny Paragraph 4 and therefore denies it in full and demands strict proof thereof.

5. Applicant denies the allegations in Paragraph 5 and demands strict proof thereof. Applicant states affirmatively that its mark is neither confusing by sight or by sound with the mark of the Opposer, and the women's casual wear business of the Applicant and the high end jewelry business of the Opposer cater to vastly different audiences of consumers.

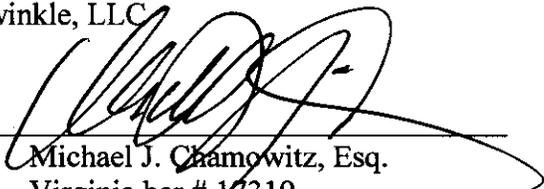
6. As an additional affirmative defense, Applicant avers that Opposer, in the prosecution of its application, limited "any sales of fashion or costume jewelry" to be "ancillary to the sale of fine jewelry" in its Response to Office Action Date July 1, 2011. As Applicant only sells costume jewelry in connection with the sale of casual women's wear, Opposer is estopped from opposing Applicant's registration by its prior acts.

WHEREFORE, Applicant requests that the opposition be denied and that registration of its mark sought to be registered be accepted in full for registration.

Respectfully submitted the 27<sup>th</sup> day of January, 2015.

Respectfully submitted,

Periwinkle, LLC

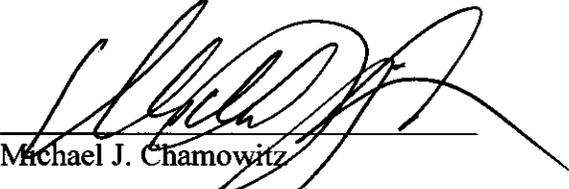
By: 

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PERIWINKLE, LLC

## CERTIFICATE OF SERVICE

I hereby certify that on the 27<sup>th</sup> day of January, 2015, a true and correct copy of the foregoing Answer to Notice of Opposition was served upon the correspondent of record for applicant via U.S. mail, postage prepaid, and addressed as follows:

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Michael J. Chamowitz