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

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| Proceeding | 91220182 |
| Party | Defendant Betasavers LLC |
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| Submission | Answer |
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| Date | 02/05/2015 |
| Attachments | BETASAVERS ANSWERS TO OPPOSITION FEB 5TH 2015.pdf(142213 bytes) |

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

BETASAVERS LLC (APPLICANT) vs. BEATS ELECTRONICS, LLC (OPPOSER)

Opposition No. 91220182
Application No. 86255084

ANSWER TO OPPOSITION

Betasavers LLC ("Applicant"), an Arizona limited liability company, organized under the laws of Arizona with a place of business at 60 E. Rio Salado Pkwy, Suite 900, Arizona 85281, believes that the registration

mark,  in international Class 35, as shown in Application Serial No. 86255084 filed by BETASAVERS LLC will "NOT" damage any of the BEATS ELECTRONICS, LLC logo as opposed. Therefore, We humbly requests for the registration of the logo be granted.

Reasons why Beats' opposition is considered invalid is detailed below:

1. Yes, it is majorly known especially with fans and customers that BETASAVERS LLC has been recognized providing a superior service of online retail store business featuring clothing and accessories, household items, personal care products, consumer electronics etc. Also, strategies are already ongoing to extensively promote the business via marketing campaigns especially with google ads sense, bing ads sense, and other social media pages .

2. BETASAVERS LLC has both slogan (**BETA IS BETTER!** - already approved with Serial No 86256069)

and logo ( - pending to be approved with Application No 86255084). Both Slogan and logo are needed to boost the quality of our service as our notable customers have become accustomed to seeing and recognizing both slogan and mark. Fans and customers purchasing from our webstore are already using the stylized mark to recognize our business.

3. BEATS ELECTRONICS LLC mark  and BETASAVERS LLC mark  are never looked same.

BETASAVERS LLC stylized mark  **consists of a human left hand, finger pointing gesture (Humans forming letters/punctuation),** which cannot be found on BEATS ELECTRONICS LLC mark. This alone makes a huge difference between the two marks. And no fans or Customers will assume both are same in any ways. They look TOTALLY different.

4. With due respect Sir/Madam, I humbly ask for your approval on our requested mark  logo so that our dignity/respect will not be taken away or claimed. I understand we are coming-up Business company, but we are focused and determined, and we shall by God's Grace reach our apex soonest. The only b logo mark that has become famous with the OPPOSER, BEATS ELECTRONICS LLC does not have or come with any human left hand or any finger pointing gesture.

5. Furthermore, BETASAVERS LLC mark  has become known and famous to our thousands of noble customers where no one will never mistaken our mark with the oppose.

6. BETASAVERS LLC is a notable company having Office place at same building in Arizona with Microsoft Company, KPMG, LIFELOCK and lots more! Quality has been our watch-word and no room is allowed or given to any deficiencies or faults as claimed or suggested by OPPOSER.

13. BETASAVERS LLC mark logo is never similar to the OPPOSER mark. Therefore it will not cause any confusion or mistake to various customers or fans. Customers will not mistaken our mark logo since Our stylized mark **consists of a human left hand, finger pointing gesture (Humans forming letters/punctuation), which cannot be found on the OPPOSER mark logo.** BETASAVERS LLC, humbly insists that the registration requested should be considered a favorable condition and that this application be approved.

14. BETASAVERS LLC mark logo is never similar to the OPPOSER mark. No fans or customers will ever take it same as Our stylized mark **consists of a human left hand, finger pointing gesture (Humans forming letters/punctuation), which cannot be found on the OPPOSER mark logo.** BETASAVERS LLC, humbly insists that the registration requested should be considered a favorable condition and that this application be approved.

15. BETASAVERS LLC mark logo is never similar to the OPPOSER mark. Therefore it is not comprised entirely of a rounded like that of OPPOSER or similar in sight, sound. Our stylized mark **consists of a human left hand, finger pointing gesture (Humans forming letters/punctuation), which cannot be found on the OPPOSER mark logo.** BETASAVERS LLC, humbly insists that the registration requested should be considered a favorable condition and that this application be approved.

16 BETASAVERS LLC mark logo is never similar to the OPPOSER mark. Therefore it will not cause any confusion or mistake to various customers or fans. Our stylized mark **consists of a human left hand, finger pointing gesture (Humans forming letters/punctuation), which cannot be found on the OPPOSER mark logo.** BETASAVERS LLC, humbly insists that the registration requested should be considered a favorable condition and that this application be approved.

17 As mentioned earlier, BETASAVERS LLC mark logo is never similar to the OPPOSER mark. Therefore it will not cause any confusion or damage to OPPOSER mark logo. Our stylized mark **consists of a human left hand, finger pointing gesture (Humans forming letters/punctuation), which cannot be found on the OPPOSER mark logo.** BETASAVERS LLC, humbly insists that the registration requested should be considered a favorable condition and that this application be approved.

18 BETASAVERS LLC mark logo is never similar to the OPPOSER mark. Therefore it will not cause any dilution to OPPOSER mark logo. BETASAVERS LLC disagree with the OPPOSER statement stating that *"Should the quality of Applicant's goods or services be lacking"...* Our Service cannot be lacking as we have "QUALITY" as our watch-word especially in our business. We have always been rated 5 stars with our fans and customers. We used same Office Building (Class A) with notable companies like Microsoft company, LIFELOCK, KPMG etc. Our stylized mark **consists of a human left hand, finger pointing gesture (Humans forming letters/punctuation), which cannot be found on the OPPOSER mark logo.** BETASAVERS LLC, humbly insists that the registration requested should be considered a favorable condition and that this application be approved.

19. BETASAVERS LLC mark logo will not and cannot damage the OPPOSER reputation as both marks does not look same. The mark logo is used for SERVICE purpose only on our website display and advertisement placement

WHEREFORE, BETASAVERS LLC, humbly insists that the registration request should be considered a favorable condition and that this application be approved.

Thank you. God Bless USPTO.. God Bless America.

Dated: February 05, 2015.

Humbly submitted,

/Adegbayi Adefalujo/

ADEGBAYI ADEFALUJO

PRESIDENT/CEO

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