

ESTTA Tracking number: **ESTTA677159**

Filing date: **06/09/2015**

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

Proceeding	91221781
Party	Defendant Farago, Victoria Han
Correspondence Address	FARAGO, VICTORIA HAN 76 BEAVER ST FL 11 NEW YORK, NY 10005-2856 victoria@vproductions.net
Submission	Answer
Filer's Name	Victoria Han Farago
Filer's e-mail	victoria@vproductions.net
Signature	/VF0423/
Date	06/09/2015
Attachments	ANSWER_VictoriaHanFarago.pdf(530449 bytes)

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

Las Gemelas Entertainment, LLC)	
)	
Opposer)	
)	
v.)	Opposition No. _____
)	Mark: LuLu&LaLa
Victoria Han Farago)	App. Serial No. 86/183, 132
)	
Applicant)	
_____)	

ANSWER

Victoria Productions, Inc. (“Applicant”), a company organized and existing under the laws of New York with a principal place of business at 76 Beaver Street, 11th Floor, New York, New York 10005, has not been able to register the mark LuLu&LaLa due to opposition by Las Gemelas Entertainment, LLC at 8008 4th Ave, North Bergen, New Jersey 07047, who registered the mark of LULU & LALA with United States Patent and Trademark Office (“USPTO”) as Registration No. 4429359, and hereby answers to its differences.

1. Admit.

2. The Opposer claims its first use in commerce for entertainment services was September 2009 and its first use in commerce for endorsement services was September 2010. However, according to the trademark that was filed, both Class 035 and 041 of the Opposer’s mark was actually first used in commerce in August 2013.

3. Admit.

4. Admit.

5. Applicant has also expended immense time and effort in promoting and advertising its services. The Applicant has established its own reputation internationally for its goods identified by its mark and identity by attending 15 international book fairs, marketing through subway advertisements, registering ISBN number, providing products on 3 different app stores, including iTunes, Google Play, and Samsung apps, in 156 countries, making contracts with book stores around the world, and receiving both Mom's Choice Awards and kidSAFE seals.

6. Admit.

7. Admit.

8. The Korean alphabet, known as Hangeul, has various ways of romanization and an official method has never been established. Among the existing methods of Romanization, one that would pronounce the mark as "loo loo lah lah" does not exist. Furthermore, MBC, the largest Korea broadcasting corporation since 1961, has a popular program referring to the same Korean expression and is also romanized as "*Lulu Lala.*"

9. "Lulu&LaLa" refers to the names of two different main characters. The characters are sisters and when their names are combined it sounds like the Korean expression of happiness. Therefore it would not make sense to leave a space in between or use other symbols such as

("/) or (""). The names, LuLu&LaLa, were chosen so that when children read the books, they will be able to empathize with the characters and experience the bliss that comes from their names.

10. The Opposer's mark, LULU & LALA, and the Applicant's mark, LuLu&LaLa, differ in that the Opposer's mark is all capitalized and that the Applicant's mark does not have spaces before and after the (&) symbol. Not only do the marks differ in appearance but the classes for the marks are entirely different as well. The Opposer's mark is registered under classes 035 and 041 while the Applicant's mark is registered under classes 009 and 016. The Opposer does not receive rights to the mark when the classes are different just as there are numerous unrelated marks registered as "*United*" that all have different classes.

11. Admit.

12. It should not be a concern that the members of the public will believe that the Applicant's goods are connected to the Opposer's services because they both attract different customers. The Applicant's goods attract customers whose ages range from 3-10 years old and parents who are seeking storytelling books for their children whereas the Opposer's services attract an audience seeking entertainment news. The content of the goods are completely unrelated and customers are smart enough to tell the difference between goods of different categories.

13. The methods of accessing the Applicant and Opposer's goods and services are entirely different. The Applicant's goods are downloaded from three different app stores, purchased

at book stores and through social media while the Opposer's services are accessed through radio, TV, and social media. Customers are not only aware of the name but also the category of goods.

14. The Applicant's goods consist of a fictional children's book series that is the original creative work of Victoria Han Farago. The Applicant does not need authorization before developing its own creative content and writing.

15. The similarity of the mark cannot cause confusion to the public as the natures of the goods are so dramatically different. The Applicant's mark has been registered under classes 009 and 016 and the Opposer's mark has been registered under classes 035 and 041. The goods and services are of different categories therefore customers will not be confused as they will be looking for different kinds of goods and services.

16. The Applicant's mark has been registered with unrelated classes to the Opposer's services. The category and service of the goods are completely different therefore there would be no mistaking a connection between the two goods. Furthermore, LuLu&LaLa has much more meaning than simply being the title of a book series. It is also the world's first "Scanning Book," invented by Victoria Han Farago, where paper books meet new technology, such as "Augmented Reality", to provide a new type of interactive book to bring children's interest back to paper books. Its revolutionary concept has been recognized internationally which is why the Chinese government invited Victoria Han Farago to Beijing to speak with the biggest names in publishing from around the world. The top publishers along with the

Chinese government expressed interest in making business with "Book+App" which includes LuLu&LaLa.

17. Admit.

18. There would be no damage or injury inflicted on the Opposer as the Applicant's goods attract customers whose ages range from 3-10 years old and parents who are seeking storytelling books for their children whereas the Opposer's services attract an audience, from teenagers to adults, who are seeking entertainment news. The Applicant has the right to register their trademark as there are no trademarks similar to "LuLu&LaLa" that share the classes 009 and 016. As long as the categories of the Applicant and Opposers goods and services are different, there will be no confusion caused by the marks. Ideally, USPTO will thoroughly look everything over and make the right decision.

Date: June 9, 2015

Victoria Productions, Inc.

By: _____



Victoria Han Farago
76 Beaver Street, Floor 11
New York, NY 10005
Tel: 212-425-3013
Fax: 646-225-7218
Email: victoria@vproductions.net

Applicant

Certificate of Service

I hereby certify that a true and complete copy of the foregoing (ANSWER) with Exhibit B has been served on (Las Gemalas Entertainment, LLC) by mailing said copy on (June 9, 2015), via First Class Mail, postage prepaid to:

Las Gemalas Entertainment, LLC

Michael Culver
Millen, White, Zelano & Branigan, P.C.
2200 Clarendon Blvd., Suite 1400
Tel: 703-243-6333
Fax: 703-243-6410
Email: culver@mwzb.com

Attorney for Opposer

By: _____



Date: _____

6/9/2015

Applicant

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

Las Gemelas Entertainment, LLC)	
)	
Opposer)	
)	
)	Opposition No. _____
v.)	Mark: LuLu&LaLa
)	App. Serial No. 86/183, 132
Victoria Han Farago)	
)	
Applicant)	
_____)	

ANSWER

Exhibit B