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

Proceeding	91222699
Party	Defendant The Little Parlour, LLC
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Submission	Answer
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Date	08/08/2015
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of:
Application Serial No. 86510255
Published in the Official Gazette: *May 20, 2015*

VARIETY WORLDWIDE LLC)	
)	
Opposer,)	
)	
-against-)	Proceeding/Opposition
)	No. 91222699
The Little Parlour, LLC)	
)	
Applicant.)	
)	

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Applicant, The Little Parlour, LLC, for its answer to the Notice of Opposition filed by Opposer, Variety Worldwide LLC, against application for registration of Applicant’s trademark QUEEN OF THE NIGHT Serial No. 86/510255 filed July 7, 2015, pleads and avers as follows:

1. Applicant admits that as per the United States Patent and Trademark Office (“USPTO”) database, Opposer is the owner of a trademark QUEEN OF THE NIGHT, serial number 86123357, in International Classes 041 and 043 for entertainment, bar and restaurant services, which Opposer (as sworn to by Opposer) was first used by Opposer on December 1, 2013.

2. Applicant denies that is has any intention to profit from the reputation or goodwill of Opposer with respect to QUEEN OF THE NIGHT or in any other manner.

To that end, Applicant requests that the Trademark Trial and Appeal Board (TTAB) note that:

(a) on June 3, 2011, Applicant filed an application for QUEEN OF THE NIGHT in international classes 003 and 004 for fragrances and candles (“First Application”), which was published for opposition on October 25, 2011; Applicant abandoned the First Application on January 20, 2014, months **after** Opposer filed for its QUEEN OF THE NIGHT trademark, and;

(b) QUEEN OF THE NIGHT is not fanciful, arbitrary or original in the field of entertainment services/theatrical productions, as: (i) the “Queen of the Night” has been a main character in Mozart’s opera *The Magic Flute* (which premiered in 1791) as well as the name of a beloved and world-recognized aria known as the “Queen of the Night” aria for more than two hundred years, and; (iii) since 1791, there have been numerous songs, films and other entertainment productions entitled QUEEN OF THE NIGHT (either so entitled in the English language or as translated into English).

3. Applicant admits that Opposer’s mark QUEEN OF THE NIGHT is identical or closely similar to Applicant’s QUEEN OF THE NIGHT, and Applicant notes that it is also identical or closely similar to the marks for QUEEN OF THE NIGHT described in paragraph 2, including: (a) Applicant’s 2011 First Application for QUEEN OF THE NIGHT, (b) Mozart’s character, the QUEEN OF THE NIGHT, (c) Mozart’s aris known as the QUEEN OF THE NIGHT aria; (e) a 1994 film directed by Arturo Ripstein entitled QUEEN OF THE NIGHT, and (f) a 2013 South Korean film which has a title that is translated to QUEEN OF THE NIGHT.

4. Applicant denies that the “purchasing public familiar with Opposer’s entertainment, bar and restaurant services bearing the mark QUEEN OF THE NIGHT are likely to be confused, misled or deceived that a fragrance under the name QUEEN OF THE NIGHT is in any way sponsored, licensed or jointly owned by or otherwise connected with Opposer, or that it would damage or injure Opposer in any way.

AFFIRMATIVE DEFENSES

1. Opposer fails to state a claim upon which relief can be granted.

2. There is no likelihood of confusion, mistake or deception between the marks because, inter alia,

(a) the marks will be used with respect to goods and services that are wholly different, and;

(b) alternatively, the mark QUEEN OF THE NIGHT is not fanciful or arbitrary in the entertainment niche, nor original, and there have been, for more than two hundred years other productions and music known by the mark QUEEN OF THE NIGHT, and;

(c) alternatively, all words in the mark QUEEN OF THE NIGHT are common and used in hundreds (if not thousands) of registered, active trademarks.

3. Applicant further affirmatively alleges that Applicant does not intend any association with Opposer’s marks or products; and upon belief, ordinary prospective purchasers of Applicant’s products will not associate Applicant’s and Opposer’s marks and products.

4. Despite Opposer's Certificate of Service, Applicant has not performed service on The Greenberg Law Firm with respect to the Opposition at bar, and Applicant does not believe that Opposer performed service upon Applicant.

WHEREFORE, Applicant requests that the Notice of Opposition be dismissed and that the application for QUEEN OF THE NIGHT remain active.

Respectfully submitted,

The Little Parlour, LLC



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Dated: August 8, 2015

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Applicant's Answer to Notice of Opposition has been served on opposing counsel by:

- a) emailing said copy to attorney Hope Weiner at hopeweiner@gmail.com, and;
- b) mailing said copy via First Class Mail, postage prepaid, on August 8, 2015 to:

Hope Weiner
c/o 75 West End Avenue, Apt C 16 B
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Respectfully submitted,



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