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

Proceeding	91224533
Party	Plaintiff Simply Southern Fine Arts and Home Decor, LLC
Correspondence Address	WARNER J DELAUNE BAKER DONELSON BEARMAN CALDWELL & BERKOWITZ PC 450 LAUREL STREETCHASE, NORTH TOWER FL 20 BATON ROUGE, LA 70801 UNITED STATES wdelaune@bakerdonelson.com
Submission	Answer to Counterclaim
Filer's Name	Warner J. Delaune
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Date	02/12/2016
Attachments	Answer_to_petition_for_cancellation.pdf(78898 bytes)

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

SIMPLY SOUTHERN FINE ARTS AND HOME DÉCOR, LLC)	
)	Opposition No.: 91224533
Opposer,)	
)	Serial No. 86/450,713
v.)	
)	Registration No. 3,335,887
DAZZLE UP, LLC)	
)	
Applicant.)	

OPPOSER'S ANSWER TO COUNTERCLAIM AND PETITION FOR CANCELLATION

Simply Southern Fine Arts and Home Décor, LLC ("Opposer"), by and through undersigned counsel, and pursuant to 37 C.F.R. §2.106(b)(2)(iii), hereby provides its answer and response to the counterclaim and petition for cancellation by Dazzle Up, LLC ("Applicant" or "Dazzle Up")) of the registration owned by Opposer, U.S. Registration No. 3,335,887 (the "Registration").

1. Opposer lacks information or knowledge sufficient to form a belief as to the allegations contained in paragraph 1 of the petition to cancel, and therefore denies the same.
2. Responding to the allegations of paragraph 2 of the petition to cancel, it is admitted that Dazzle Up is the applicant for Serial No. 86/450,713, and that such application has been opposed by Opposer.
3. Opposer denies the allegations contained in paragraph 3 of the petition to cancel that Opposer has "misidentified itself". A typographical error exists in the name of Opposer ("Arts" instead of "Art") which will be corrected in a subsequent filing in this proceeding.
4. Opposer admits the allegations of paragraph 4 of the petition to cancel.

5. Opposer admits the allegations of paragraph 5 of the petition to cancel.
 6. Opposer admits the allegations of paragraph 6 of the petition to cancel.
 7. Opposer admits the allegations of paragraph 7 of the petition to cancel.
 8. Opposer admits the allegations of paragraph 8 of the petition to cancel.
 9. Opposer admits the allegations of paragraph 9 of the petition to cancel.
 10. Opposer admits the allegations of paragraph 10 of the petition to cancel.
 11. Opposer lacks information or knowledge sufficient to form a belief as to the allegations contained in paragraph 11 of the petition to cancel, and therefore denies the same.
 12. Opposer lacks information or knowledge sufficient to form a belief as to the allegations contained in paragraph 12 of the petition to cancel, and therefore denies the same.
 13. Opposer denies the allegations contained in paragraph 13 of the petition to cancel.
 14. Opposer denies the allegations contained in paragraph 14 of the petition to cancel.
 15. Opposer denies the allegations contained in paragraph 15 of the petition to cancel.
- With respect to Applicant's prayer for relief, Opposer expressly denies that Applicant is entitled to any relief.

AFFIRMATIVE DEFENSES

Opposer states as follows for its affirmative defenses:

1. Applicant fails to state a claim upon which relief can be granted.
2. Opposer reserves the right to amend its Answer to Counterclaim and Petition for Cancellation to assert additional defenses that may become applicable as a result of discovery and further investigation.

WHEREFORE, Opposer respectfully requests that Applicant's petition to cancel be dismissed with prejudice, and that Opposer's opposition be sustained.

Respectfully submitted,

Dated: February 12, 2016

/Warner J. Delaune/
Warner J. Delaune

Attorney for Opposer,
Simply Southern Fine Arts and Home Décor, LLC

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing pleading was served on counsel for Applicant, on this 12th day of February, 2016, by sending the same via First Class Mail, postage prepaid, to:

Mr. David Sar
Brooks, Pierce, McLendon, Humphrey & Leonard, LLP
P.O. Box 26000
Greensboro, NC 27420

/Warner J. Delaune/
Warner J. Delaune