

ESTTA Tracking number: **ESTTA36534**

Filing date: **06/22/2005**

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

Proceeding	92044526
Party	Defendant Sheppard, Laura N. Sheppard, Laura N. 1426 W. Strasburg RD West Chester, PA 19382
Correspondence Address	Sheppard, Laura N. 1426 W. Strasburg RD West Chester, PA 19382
Submission	Answer
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Date	06/22/2005
Attachments	6.22.05.answer.pdf (6 pages)

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

Live In Love, Inc. d/b/a/ Family Labels
Petitioner

v.

Laura N. Sheppard d/b/a Family Doodles.
Respondent

In the matter of
Trademark Registration No. 2,908,824

For the mark: FAMILY DOODLES

Cancellation No. 92044526

RESPONDENT'S ANSWER TO PETITION FOR CANCELLATION

COMES NOW RESPONDENT, Laura N. Sheppard to answer the Petition for Cancellation in this proceeding. Any and all allegations in the Cancellation not specifically admitted herein are denied. Respondent specifically denies any and all allegations of damage to Opposer by the continued registration of this mark. The numbered allegations will be responded to below:

1. Respondent is without sufficient knowledge or information as to the truth of the allegations set forth in Paragraph 1 of the Petition for Cancellation and, therefore, denies said allegations.
2. Respondent is without sufficient knowledge or information as to the truth of the allegations set forth in Paragraph 2 of the Petition for Cancellation and, therefore, denies said allegations.

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3. Respondent is without sufficient knowledge or information as to the truth of the allegations set forth in Paragraph 3 of the Petition for Cancellation and, therefore, denies said allegations.
4. Respondent is without sufficient knowledge or information as to the truth of the allegations set forth in Paragraph 4 of the Petition for Cancellation and, therefore, denies said allegations.
5. Respondent admits only that the online database of the United States Patent and Trademark Office indicates that Live in Love, Inc. owns registration number 2,642,157. Respondent is without sufficient knowledge or information as to the truth of the remaining allegations set forth in Paragraph 5 of the Petition for Cancellation and, therefore, denies said allegations.
6. Respondent is without sufficient knowledge or information as to the truth of the allegations set forth in Paragraph 6 of the Petition for Cancellation and, therefore, denies said allegations.
7. Respondent admits only that the online database of the United States Patent and Trademark Office indicates that Live in Love, Inc. owns registration number 2,642,157. Denied.
8. Respondent admits only that the online database of the United States Patent and Trademark Office indicates that Laura N. Sheppard owns registration number 2,908,824

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and indicates a date of first use of September 9, 2003 and a date of first use in commerce of September 9, 2003.

9. Denied.
10. Denied.
11. Respondent is without sufficient knowledge or information as to the truth of the allegations set forth in Paragraph 3 of the Petition for Cancellation and, therefore, denies said allegations.
12. Respondent is without sufficient knowledge or information as to the truth of the allegations set forth in Paragraph 3 of the Petition for Cancellation and, therefore, denies said allegations.
13. Denied

Respondent expressly denies any and all allegations in the Petition for Cancellation not expressly admitted above.

AFFIRMATIVE DEFENSES

1. Any rights Petitioner may have developed before Respondent's dates of first use and dates of first use in commerce for Petitioner's FAMILY LABELS registration are limited to personalized address labels, personalized shipping labels, personalized gift labels and personalized tags and do not support Petitioner's claim of first use stated in Petitioner's

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Petition for Cancellation with respect to the goods identified and used in connection with Respondent's FAMILY DOODLES registration.

2. The channels of trade are sufficiently different so as to preclude a likelihood of confusion.
3. The relevant customers are sophisticated and not likely to be confused.
4. The number and nature of other similar registered marks suggests the field of "family" marks is crowded, indicating an increased sensitivity on the part of consumers to differences between marks.
5. Petitioner's mark is either generic or descriptive of the goods with which it is used.
6. Petitioner's registration is void ab initio.
7. Substantive dissimilarities in spelling, pronunciation, connotation, commercial impression and appearance do not support a finding of likelihood of confusion.
8. Petitioner's goods are sufficiently different from Respondent's goods so as to preclude a likelihood of confusion.

WHEREFORE, Respondent prays that the Petition for Cancellation be dismissed, with prejudice and that Trademark Registration Serial No. 2,908,824 be maintained on the Principal Register.

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Respondent thereby appoints Marcus Stephen Harris who is an attorney admitted to practice before the Supreme Court of the State of Illinois and Mona Chawla who is an attorney admitted to practice in the State of New York and who are both associated with the firm Harris Chawla LLC, 500 N. Michigan Avenue, Suite 300, Chicago, Illinois 60611, as its duly authorized agents and attorneys in the matter of this cancellation, with full power of substitution and revocation, to transact all business with the Patent and Trademark Office and elsewhere in the United States courts in connection with this opposition, to sign all papers which may be hereinafter filed in connection with this cancellation, and to receive all communications relating to this cancellation.

Respectfully submitted,



Marcus Stephen Harris

Attorney for Respondent

6/22/05

Date

Harris Chawla LLC
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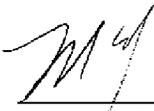
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing **ANSWER TO PETITION FOR CANCELLATION** was served by first class mail, postage prepaid on this 22nd day of June, as follows:

Mary Margaret O'Donnell,
Rader, Fishman & Grauer PLLC 3
9533 Woodward Ave. Suite 140
Bloomfield Hills, MI 48302

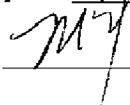
Date: 6/22/05

By: 

Marcus Stephen Harris

Certificate of ESTTA Mailing

Date of Deposit: 6/22/05

Signature: 

I hereby certify that this document is being submitted via the Electronic System for Trademark Trials and Appeals on the date noted above.