

ESTTA Tracking number: **ESTTA293928**

Filing date: **07/07/2009**

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

Proceeding	92050173
Party	Defendant Matthew James Landis
Correspondence Address	Matthew James Landis 686 Wall Street Salt Lake City, UT 84103 UNITED STATES landismatt@msn.com
Submission	Answer
Filer's Name	Scott L. Sackett II
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Signature	/Scott L. Sackett II/
Date	07/07/2009
Attachments	Answer TTAB Landis.pdf (4 pages)(11832 bytes)

5. Admit.

6. Respondent is without sufficient knowledge as to allegations of Paragraph 6 and therefore denies the same.

7. Deny.

8. Deny.

SECOND DEFENSE

There is no likelihood of confusion between Petitioner's AVEDA LIFESTYLE and AVEDA LIFESTYLE SALON marks and Respondent's LANDIS LIFESTYLE SALON mark because the marks are not confusingly similar.

THIRD DEFENSE

The portion of Respondent's mark that is similar to Petitioner's mark, namely "LIFESTYLE SALON," is a descriptive term used to describe the type of service offered by the Respondent, and therefore cannot be protected through trademark registration.

WHEREFORE, Respondent respectfully requests that Aveda's Petition to Cancel be denied and that the LANDIS LIFESTYLE SALON mark remain active.

Dated: July 7, 2009

Respectfully submitted,

Matthew James Landis

/Scott L. Sackett II/

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Attorney for Respondent

CERTIFICATE OF SERVICE

I hereby certify that on July 7, 2009, I caused a true and correct copy of this ANSWER to be sent by first class mail, postage paid, to the following:

Donna M. Ruggiero
Associate Counsel
Aveda Corporation
767 Fifth Avenue Legal Dept.
New York, NY 10153

/Scott L. Sackett II/