

ESTTA Tracking number: **ESTTA293700**

Filing date: **07/06/2009**

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

Proceeding	92050862
Party	Defendant Bonnie A. Blimegger-Benedetto
Correspondence Address	Bonnie A. Blimegger-Benedetto 22 green ridge Yardley, PA 19067 UNITED STATES bonnie@bella-chic.com
Submission	Answer
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Date	07/06/2009
Attachments	IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD.txt (3 pages)(4962 bytes)

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

Registration No. 2803696

Registration Date: January 6, 2004

COLOR IMAGE APPAREL, INC,

A California Corporation

Petitioner,

v.

Bonnie A Blimegger-Benedetto, an Individual,

Registrant.

Hon. Commissioner of Patents and Trademarks

Attention: Trademark Trial and Appeal Board

ANSWER

I hereby answer the Petition to Cancel as follows:

1. Admitted. Registrant filed for the trademark as early as July 20
02.

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.

6. Admitted.

7. Admitted.

8. Admitted. Registrant does not use Petitioners mark "Bella" on a
ny
of it's goods
in commerce. Registrant uses her own mark "Bella-Chic" on all goods
in

commerce. The word "Bella" is never used WITHOUT the word "CHIC".

Our

incorporated name, our website domain name and all mentions of our
brand on

our products, legal documents, business cards, media, any and every
mention is

always the word BELLA WITH the word CHIC TOGETHER, NEVER exclusive

of the other. Our trademark and company name for the past 7 years
has been, is

and will always be BELLA CHIC.

9. Denied. Registrants name is not the same as Petitioners name,
thereby it is not

Damaging to Petitioner. It is not trying to be nor is it a product
spin off or

extension. The clothing that is made by Petitioner, Bella, is not
similar to that

made by Registrant, Bella Chic. Bella Chic is a mid to high end

boutique line of women's clothing. There is not a confusion to buyers of these products. And again, it is not the same name. Bella is not the same as Bella Chic.
10. Denied. Registrant's registration of Bella Chic does not damage
s
Petitioner

because it is not only a different name, but the word Bella is one of the most

common words used in the fashion industry. There are thousands of companies

using the name Bella in California alone. On the USPTO.gov website alone there

are hundreds of business's using the word Bella in their name. The word Bella is

too common of a word to be exclusively associated in the public's view with a

single company. Therefore, using Bella Chic as a corporate name is different and

not damaging to Petitioner.

11. Denied. Registrant's registration of Bella Chic does not damage
Petitioner

because it is a different name. Bella Chic is not the same as Bella. Registrant's

mark of Bella Chic is always used with both words together. There is NEVER a

time that Bella is used without Chic. Furthermore, the word

Bella is one of the most common words used in the fashion industry. There are

thousands of companies using the name Bella in California alone. On the

USPTO.gov website alone there are hundreds of business's using the word Bella

in their name. The word Bella is too common of a word to be exclusively

associated with a single company in the public's view. Therefore, using Bella

Chic as a corporate name is different and not damaging to
Petitioner.

12. Denied. Bella-Chic, inc began business in July 2002 and has
remained actively in
business ever since. The mark Bella Chic has never been
abandoned. Tax

records for proof of commerce for all years since the mark was
requested are

available upon request.

13. Denied. Registrant has not abandoned its use of the mark Bella
Chic. Bella Chic
has been in continuous business with said mark since July 2002.

Wherefore Bella Chic is not the same as Bella and therefore does not
cause
damage, confusion, false indication or false resemblance to Bella, we
respectfully
request the request for Cancellation be denied.

Date: July 6, 2009

Gratefully and Respectfully Submitted,
/BonnieABlimegger-Benedetto/
(electronic signature, this is submitted

via ESTTA)

Bonnie A Blimegger-Benedetto
Owner and President Bella-Chic, Inc.

Certificate of Service

I hereby certify that a true and complete copy of the
foregoing Answer has been served on July 6, 2009 on Petitioner Color
Image Apparel via first class mail, postage paid to:

Maha Sarah; Richard Sybert

Gordon & Rees LLP

101 West Broadway, Suite 1600

San Diego, CA 92101 USA

Dated: July 6, 2009

Printed name: Bonnie A Blimegger-Benedetto

Electronic Signature (this is being submitted via ESTTA)

/BonnieABlimegger-Benedetto/