

ESTTA Tracking number: **ESTTA489872**

Filing date: **08/20/2012**

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

Proceeding	92055598
Party	Defendant Emanuel J. Severe
Correspondence Address	EMANUEL J SEVERE 8531 NW 54TH STREET LAUDERHILL, FL 33351 UNITED STATES
Submission	Confidential Defendant's Opposition/Response to Motion
Filer's Name	/Emanuel J. Severe/
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Date	08/20/2012
Attachments	Trademark Registrant's Answer.pdf (2 pages)(270120 bytes)

August 20, 2012

To: Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

Trademark Registrant's Answer

Dear Commissioner for Trademarks,

Please accept the answers provided below from me the Registrant, Emanuel J. Severe, the sole owner of record for the trademark: PERSEVERE (Registration# 3398561) which I registered with the USPTO on March 18, 2008.

As a proud owner of my very first and only trademark thus far, I was elated to have successfully completed the application process in registering my trademark and have continued to use the mark and have sold goods that display my Registered Mark. I am also prepared to submit a declaration of continued use next year (*due on the 5th and 6th years after the registration date*).

My family business will be damaged if DK Holdings' petition to cancel my trademark is granted by the Trademark Trial and Appeal Board. I disagree with and deny the allegations made by DK Holdings pertaining to my Trademark and have addressed each DK Holding allegation below:

- 1.) I, Emanuel J. Severe, am the owner of U.S. Trademark Registration No. 3398561 for the mark PERSEVERE in international Class 25.
- 2.) My last listed address with the USPTO is 8531 NW 54th Street, Lauderhill, FL 33351.
- 3.) I have made a bona fide use of the Registered Mark that supports registration under 15 U.S.C 1052, in that my use of the Registered Mark on clothing was not merely ornamental and/or decorative in nature and therefore it qualifies as a trademark within the meaning of 15 U.S.C 1127.
- 4.) I have made a bona fide use of the Registered Mark that supports registration under 15 U.S.C 1052, in that I continue to make use of the mark in commerce within the meaning of 15 U.S.C 1127.
- 5.) I am in total agreement with the USPTO's decision of issuing an Office Action to DK Holdings refusing it the Class 25 Application it applied for on the basis that Applicant's Mark would be confusingly similar to my existing and active Registered Mark. I am also grateful for the precautionary measures taken by the USPTO in protecting Registered Marks and doing its part to limit possible counterfeiting violations of Registered Marks.
- 6.) My family business will be damaged if DK Holdings is permitted to file a Class 25 Application with the PERSEVERE mark. I pray that my active and existing registration of the PERSEVERE mark is upheld and is permitted to prevent the registration of similar marks under the Class 25 Application.

- 7.) It's my belief that the DK Holdings Mark is confusingly similar to my Registered Mark and should not be permitted to register under the Class 25 Application for the PERSEVERE mark.
- 8.) As the owner of an active and existing Registered Mark, my family business would sustain the greater damage if the blocking registration is not maintained, in that my continued use of the Registered Mark in commerce would eventually be confused with the similar mark if the blocking registration is not maintained.

Request to Uphold Registered Mark and Maintain Blocking Registration

Wherefore, I pray that the U.S. Trademark Registration# 3398561 not be canceled, that DK Holdings Petition for Cancellation be denied and that the Blocking Registration be maintained in my favor.

Respectfully submitted,

Dated: August 20, 2012 By: /Emanuel J. Severe/

Registrant

PERSEVERE (Registration# 3398561) Trademark Owner