

ESTTA Tracking number: **ESTTA572672**

Filing date: **11/22/2013**

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

| | |
|------------------------|---|
| Proceeding | 92057511 |
| Party | Defendant Origami Owl, LLC |
| Correspondence Address | ORIGAMI OWL LLC 410 SOUTH BENSON LANE, SUITE #1 CHANDLER, AZ 85224 UNITED STATES ssmith@fclaw.com, ip@fclaw.com |
| Submission | Answer |
| Filer's Name | Stacie K. Smith |
| Filer's e-mail | ssmith@fclaw.com, ip@fclaw.com |
| Signature | /Stackie K. Smith/ |
| Date | 11/22/2013 |
| Attachments | Answer.pdf(102994 bytes) |

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

In the matter of
Trademark Registration No. 4307520

ANN MAYO,

Petitioner,

v.

ORIGAMI OWL, LLC,

Respondent.

Cancellation No. 92057511

Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513
Box: TTAB No Fee

ANSWER

ORIGAMI OWL, LLC (“Respondent”), as the owner of U.S. registration No. 4307520 for the mark LIVING LOCKETS (the “Mark”), answers the Petition to Cancel filed by Ann Mayo (“Petitioner”) as follows:

1. Respondent admits the allegations of paragraph 1 of the Petition.
2. Answering paragraph 2, Respondent admits obtaining registration for LIVING LOCKETS for the described goods and alleges Respondent’s application for the Mark was filed on October 10, 2011 and was registered on March 26, 2013.
3. On information and belief, Respondent admits Petitioner’s applied for the mark LIVING LIFE LOCKETS and alleges the application was filed on December 5, 2012.
4. Respondent admits the allegations of paragraph 4.
5. Respondent denies the allegations of paragraph 5.

Count 1: Likelihood of Confusion

6. Respondent incorporates its responses to paragraphs 1 through 5 above.
7. Respondent lacks knowledge or information sufficient to form a belief as to the allegations in paragraph 7.
8. Respondent denies the allegations of paragraph 8.
9. Respondent denies the allegations of paragraph 9.
10. Respondent lacks knowledge or information sufficient to form a belief as to the allegations of paragraph 10.
11. Respondent denies the allegations of paragraph 11.
12. Respondent denies the allegation of paragraph 12.
13. Respondent denies the allegations of paragraph 13.
14. Respondent denies the allegations of paragraph 14.
15. Respondent denies all allegations not specifically admitted herein.

Affirmative Defenses

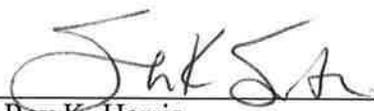
1. No likelihood of confusion exists between Respondent's LIVING LOCKETS mark for Respondent's goods and Petitioner's LIVING LIFE LOCKETS mark for its goods.
2. On information and belief, Petitioner has materially altered the mark and is not entitled to priority of use for the original mark. Petitioner's mark was first used in a different form other than that sought to be registered.
3. Petitioner is barred by estoppel and laches,
4. Respondent distributes through different channels of trade.

WHEREFORE, Respondent respectfully requests that the cancellation be dismissed.

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address of record by First Class Mail or email (by agreement only) on this date.

Respectfully submitted this 22 day of November, 2013.

By 
Ray K. Harris
Stacie K. Smith
FENNEMORE CRAIG
2394 East Camelback Road
Suite 600
Phoenix, Arizona 85016
(602) 916-5000
Attorneys for Origami Owl, LLC.