

2. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in paragraph numbers "2," "5," "6," "7," "8" and "10" of the Notice of Opposition and, therefore, denies said allegations.¹

AFFIRMATIVE DEFENSES

3. There is no likelihood of confusion, mistake or deception between the mark "ACE ROSS STUDIOS" and the two purported marks cited by the Opposer, "ACE AMERICAN COUNSEL ON EXERCISE" and "ACE."

4. The Applicant is informed and believes, and thereupon alleges, that the Opposition is barred by the doctrine of unclean hands.

5. The Applicant is informed and believes, and thereupon alleges, that the Opposition is barred by the doctrine of laches.

6. The Applicant is informed and believes, and thereupon alleges, that the Opposition is barred by the doctrine of estoppel.

7. The Applicant is informed and believes, and thereupon alleges, that the Opposition is barred by the doctrine of acquiescence.


¹ Applicant notes that the paragraphs of the Notice of Opposition are misnumbered.

WHEREFORE, Applicant prays that the Opposition be dismissed and the Applicant be granted registration of its trademark.

Dated: March 5, 2002

Respectfully submitted,

WASSERMAN, COMDEN, CASSELMAN & PEARSON L.L.P.

By: 

ALAN I. CYRLIN
5567 Reseda Boulevard, Suite 330
Tarzana, California 91357-7033
Tel.: (818) 609-2367
Fax: (818) 345-0162

Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to: Box TTAB, NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 and David P. Branfman, Branfman & Associates, 12750 High Bluff Drive, Suite 100, San Diego, California 92130, on this 18th day of March, 2002.

Dated: March 18, 2002


Stacey Hanlin

TTAB

Law Offices

WASSERMAN, COMDEN, CASSELMAN & PEARSON L.L.P.

JULIA H. AZRAEL
RICHARD A. BROWNSTEIN
DAVID B. CASSELMAN
LEONARD J. COMDEN
CATHERINE S. GARCIA
DANIEL E. LEWIS
NORMAN L. PEARL
CLIFFORD H. PEARSON
DAVID POLINSKY
JAY N. ROSENWALD
REBECCA J. SCHROER
GARY S. SOTER
STEVE K. WASSERMAN
CECILIA S. WU

5567 RESEDA BOULEVARD
SUITE 330

POST OFFICE BOX 7033

TARZANA (LOS ANGELES), CALIFORNIA 91357-7033

(818) 705-6800 (323) 872-0995

FAX (818) 996-8266

FAX (818) 345-0162

INTERNET HTTP://WWW.WCCPLAW.COM

LOS ANGELES BRANCH OFFICES

801 SOUTH GARFIELD AVENUE
SUITE 328
ALHAMBRA, CALIFORNIA 91801
(626) 308-9882
FAX (626) 308-9538

11755 WILSHIRE BOULEVARD
SUITE 1230
LOS ANGELES (BRENTWOOD),
CALIFORNIA 90025
(310) 477-8384
FAX (310) 477-7663

OF COUNSEL

STEPHEN ADLER
JOHN S. CURTIS
MARK S. GOTTLIEB
MARLA I. MILNER

SPECIAL COUNSEL

JEFFREY L. DAVIDSON
MICHAEL H. STARLER

WRITER'S DIRECT CONTACT

ACYRLIN@WCCPLAW.COM

HOWARD S. BLUM
CAROL L. CASSELMAN
ALAN I. CYRLIN
JOEL FISCHMAN
MICHAEL T. FOX
MICHAEL G. HOMEIER
MATTHEW E. JACKSON
JEFFREY K. JAYSON
ELSA H. JONES
NEIL D. JOSEPH
JEFFREY F. KAGAN
OLGA A. KARASIK
TOM F.Y. KING
JOHN A. RAYMOND
CALVIN S. ROSE
MARTIN S. RUDOFY
MARINA N. VITEK
PAMELA J. VOICH
DANIEL L. WARSHAW

March 18, 2002

Commissioner for Trademarks
Box TTAB
NO FEE
2900 Crystal Drive
Arlington, VA 22202-3513



03-20-2002

U.S. Patent & TMO/c/TM Mail Rept Dt. #66

Re: Trademark : ACE ROSS STUDIOS
Applicant Name: SHERWIN "ACE" ROSS
Our File No. : 2240-11

Dear Sir or Madam:

Enclosed please find the Applicant's Answer to Notice of Opposition in regard to the above-referenced matter.

If you have any questions or require additional information, please do not hesitate to contact me.

Very truly yours,

WASSERMAN, COMDEN, CASSELMAN &
PEARSON L.L.P.

Stacey Hanlin

STACEY HANLIN
Assistant to ALAN I. CYRLIN

AIC/sh:322342.1
Enclosure

SA