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July 6, 2004

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United States Department of Commerce
Patent and Trademark Office
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514



07-09-2004

U.S. Patent & TMOfc/TM Mail Rcpt Dt. #74

RE: Vanguard Trademark Holdings, S.A.R.L. v. Travelogistics, Inc.
United States Patent and Trademark Office
Opposition No.: 91160757
Application Serial No.: 76/465,526.

Dear Madam or Sir:

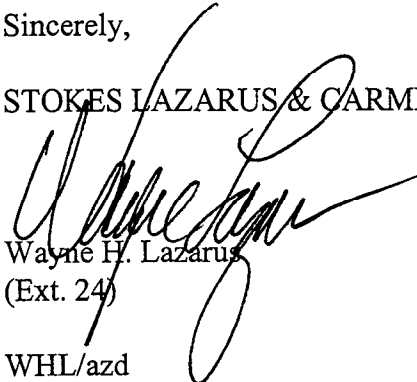
Enclosed you will find our Answer to Opposition in the above-referenced matter.

I am sending this to you by first-class mail, as well as Federal Express.

Please confirm receipt by returning a conformed copy of this pleading in the postage-paid return envelope provided.

Sincerely,

STOKES LAZARUS & CARMICHAEL LLP


Wayne H. Lazarus
(Ext. 24)

WHL/azd

Enclosure

COPY

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

VANGUARD TRADEMARK HOLDINGS,)	
S.A.R.L.)	
)	Opposition No. 91160757
Opposer,)	
)	Application Ser. No. 76/465,526.
v.)	
)	
TRAVELOGISTICS, INC.)	
)	
Applicant/Respondent.)	

Commissioner for Trademarks
Box TTAB - FEE
2900 Crystal Drive
Arlington, Virginia 22202-3514

ANSWER TO OPPOSITION

Applicant/Respondent Travelogistics, Inc. ("Respondent"), by and through its attorneys, hereby answers the Opposition filed by Vanguard Trademark Holdings, S.a.r.l. ("Opposer") as follows:

a. Answering the first unnumbered paragraph of the Notice of Opposition, on page 1 of the Opposition, Respondent admits that it has sought federal registration for its mark TRAVEL HAPPY under U.S. Application Serial No. 76/465,526 (the "Application"). Respondent denies that Opposer is or will be damaged by this Application.

1. Answering Paragraph 1 of the Opposition, Respondent lacks sufficient information to enable it to form a belief as to the truth of the allegations.

2. Answering Paragraph 2 of the Opposition, Respondent lacks sufficient information to enable it to form a belief as to the truth of the allegations, and therefore denies the same.

3. Answering Paragraph 3 of the Opposition, Applicant admits filing the Application for the registration of the trademark TRAVEL HAPPY, but denies the other allegations in this paragraph.

4. Answering Paragraph 4 of the Opposition, Respondent denies the allegation on information and belief.

5. Answering Paragraph 5 of the Opposition, Respondent admits that federal registration of the mark DRIVE HAPPY but denies the other allegations made in this Paragraph.

6. Answering Paragraph 6 of the Opposition, Respondent denies the allegations on information and belief.

AFFIRMATIVE DEFENSES

1. Opposer has failed to state a basis for the relief sought.

2. Opposer lacks standing to impose the registration of Respondent's mark TRAVEL HAPPY mark (the "Mark") in that Opposer is not likely to be damaged by the registration of the Mark.

3. Opposer lacks standing to oppose registration of the Mark in that, on information and belief, Opposer does not have rights, superior or otherwise, sufficient to support Opposer's claim.

4. No likelihood of confusion, mistake, or deception exists between the Opposer's mark and Respondent's Mark because the marks are not confusingly similar.

5. No likelihood of confusion, mistake, or deception exists between the Opposer's and the Respondent's use of their respective marks because of the services sold by Respondent under the Mark are distinctive from the services with which Opposer allegedly employs its pleaded mark.

6. No likelihood of confusion, mistake, or deception exists between the Opposer's and the Respondent's use of their respective marks because the class of perspective purchasers of the parties' respective services is sophisticated with respect to purchasing decisions generally and with respect to the source of such services specifically.

7. There is no likelihood of confusion, mistake, or deception between the parties' respective use of their marks, and no dilution of Opposer's mark, because the parties' respective marks are clearly different in sight, sound, spelling, and overall commercial impressions.

8. There is no likelihood of confusion, mistake, or deception between the parties' respective use of their marks, and no dilution of Opposer's mark, because the relevant channels of trade through which the services associated with the respective parties' marks are separate and distinct.

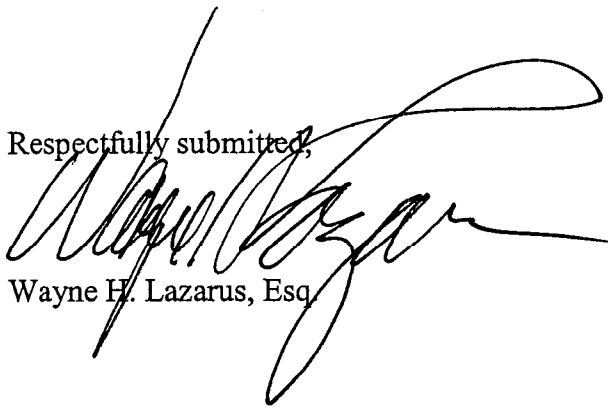
9. There is no likelihood of confusion, mistake, or deception between the parties' respective use of their marks, and no dilution of Opposer's mark, because there are co-existing marks containing the combination of words "TRAVEL", "HAPPY" and "DRIVE" and the parties' respective marks, area of business operations, and relevant channels of trade are separated and distinct.

10. Opposer fails to have standing to oppose the registration of the Mark in that, on information and belief, Opposer does not use the depleted mark, have the right to control its use, or maintain control over the use of this mark.

PRAYER FOR RELIEF

WHEREFORE, Respondent requests judgement dismissing Opposer's Opposition and this proceeding in its entirety.

Respectfully submitted,



Wayne H. Lazarus, Esq.

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ATTORNEY FOR APPLICANT

CERTIFICATE OF SERVICE

I, Wayne H. Lazarus, hereby certify that this 6th day of July, 2004, this Answer has been deposited with the United States Postal Service, first-class, postage prepaid, in an envelope addressed as follows:

United States Department of Commerce
Patent and Trademark Office
Trademark Trial and Appeal Board
2900 Crystal Drive
Arlington, Virginia 22202-3513

By: 

Wayne H. Lazarus, Esq.

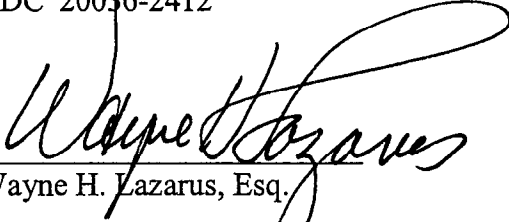
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I, Wayne H. Lazarus, hereby certify that this 6th day of July, 2004, this Answer has been deposited with the United States Postal Service, first-class, postage prepaid, in an envelope addressed as follows:

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