

ESTTA Tracking number: **ESTTA44900**

Filing date: **09/13/2005**

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

Proceeding	91162973
Party	Defendant STARCUT OY STARCUT OY UNIONKATU 3 C 16 FIX FIN-00130 HELSINKI,
Correspondence Address	ROBERT A. ROSENBLOUM, ESQ GREENBERG TRAUIG, LLP 3290 NORTHSIDE PARKWAY, SUITE 400 ATLANTA, GA 30327 atltrademark@gtlaw.com
Submission	Answer
Filer's Name	Kristen L. Fancher
Filer's e-mail	atltrademark@gtlaw.com
Signature	/kristen l fancher/
Date	09/13/2005
Attachments	20050913090941900.pdf (5 pages)

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

-----X

STARZ ENTERTAINMENT GROUP, LLC,	:	
Opposer,	:	
v.	:	Opposition No. 91162973
	:	Serial No. 76/064,970
STARCUT OY,	:	
Applicant.	:	

-----X

ANSWER AND AFFIRMATIVE DEFENSES

Applicant Starcut Oy (“Starcut”) hereby answers and responds to the Notice of Opposition filed by Opposer Starz Entertainment Group, LLC (“Starz”), and states as follows:

AFFIRMATIVE DEFENSES

FIRST DEFENSE

There is no likelihood of confusion, mistake or deception between the marks.

SECOND DEFENSE

There is no likelihood of confusion, mistake or deception between Starz’s marks and services and either Starcut’s mark or it services as set forth in its application.

THIRD DEFENSE

There is no likelihood of dilution or any actual dilution of Starz’s marks by Starcut’s mark.

FOURTH DEFENSE

Starz has no priority of use for the services set forth in Starcut’s application.

FIFTH DEFENSE

Upon information and belief, Starcut's application for the STARCUT mark pre-dates any applications and any alleged use that Starz may have for marks incorporating the term STARZ for internet-related services.

SIXTH DEFENSE

There is no likelihood of confusion, mistake or deception because Starz's mark is descriptive or suggestive of the services it provides. Therefore, the mark is entitled to only a narrow scope of protection.

SEVENTH DEFENSE

Starcut's use of the STARCUT mark will not violate or diminish the rights of Starz in the STARZ mark.

Responding to the individually numbered paragraphs of Starz's Notice of Opposition, Starcut responds as follows:

1. Starcut states that it is without knowledge or information sufficient to form an opinion regarding the truthfulness of any of the allegations of this paragraph.
2. Starcut states that it is without knowledge or information sufficient to form an opinion regarding the truthfulness of any of the allegations of this paragraph.
3. Starcut states that it is without knowledge or information sufficient to form an opinion regarding the truthfulness of any of the allegations of this paragraph.
4. Starcut states that it is without knowledge or information sufficient to form an opinion regarding the truthfulness of any of the allegations of this paragraph.
5. Admitted.

6. Starcut denies each and every allegation contained in paragraph 6 of the Notice of Opposition as stated.

7. Starcut denies each and every allegation contained in paragraph 7 of the Notice of Opposition as stated.

8. Starcut denies each and every allegation contained in paragraph 8 of the Notice of Opposition as stated.

9. Starcut denies each and every allegation contained in paragraph 9 of the Notice of Opposition as stated.

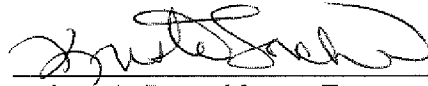
10. Starcut denies each and every allegation contained in paragraph 10 of the Notice of Opposition as stated. Starcut further specifically denies that its mark “is likely to impair the uniqueness and diminish the strength of Starz’s STARZ marks.”

11. Starcut denies each and every allegation of the ad damnum paragraph and denies that Starz is entitled to any of the relief sought therein.

WHEREFORE, Starcut respectfully requests that the Trademark Trial and Appeal Board enter judgment in its favor and against Oppposer and award the following relief:

- (a) dismissal of the Opposition with prejudice; and
- (b) issuance of a registration to Starcut.

Respectfully submitted this 13th day of September, 2005.

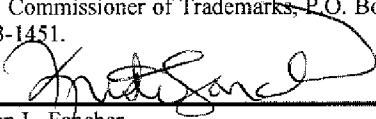


Robert A. Rosenbloum, Esq.
Kristen L. Fancher, Esq.
Matthew J. Pulliam, Esq.
GREENBERG TRAUERIG, LLP
3290 Northside Parkway
Suite 400
Atlanta, Georgia 30327
Telephone: 678.553.2100
Facsimile: 678.553.2212

CERTIFICATE OF ELECTRONIC TRANSMISSION

Date: September 13, 2005

I hereby certify that this paper is being transmitted electronically to the United States Patent & Trademark Office through the TEAS electronic filing system on the date indicated above and is addressed to the Commissioner of Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451.



Kristen L. Fancher

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a true and correct copy of the within and foregoing Applicant's Answer and Affirmative Defenses upon Opposer by causing a copy of same to be deposited in the United States Mail, first-class postage prepaid, and addressed as follows:

David E. Sipiora, Esq.
Townsend and Townsend and Crew LLP
1200 Seventeenth Street
Suite 2700
Denver, CO 80202

This 13th day of September, 2005.



Kristen L. Fancher