

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

In re Application No.: 76/572,734
Published February 22, 2005

Dollar General Intellectual Property, L.P.,)	
)	
Opposer,)	
)	
v.)	
)	
EK Success, Ltd.,)	
)	
Applicant.)	

Opposition No.: 91165622
Serial No.: 76/572,734



08-01-2005

U.S. Patent & TMO/TM Mail Rcpt Dt. #11

APPLICANT'S ANSWER TO THE NOTICE OF OPPOSITION

Applicant, EK Success, Ltd. ("EK"), by its attorneys, hereby answers the allegations set forth in the Notice of Opposition as follows:

1. Applicant has insufficient knowledge or information as to the truth of the averments as set forth in paragraph one of the Notice of Opposition.

2. Applicant admits that it is a New York corporation but denies the remaining averments in paragraph two of the Notice of Opposition.

3. Applicant admits the averments in paragraph three of the Notice of Opposition.

4. Applicant has insufficient knowledge or information as to the truth of the averments as set forth in paragraph four of the Notice of Opposition.

5. Applicant has insufficient knowledge or information as to the truth of the averments as set forth in paragraph five of the Notice of Opposition.

6. Applicant admits the averments as set forth in paragraph six of the Notice of Opposition.

7. Applicant admits the averments as set forth in paragraph seven of the Notice of Opposition.

8. Applicant has insufficient knowledge or information as to the truth of the averments as set forth in paragraph eight of the Notice of Opposition.

9. Applicant denies the averments as set forth in paragraph nine of the Notice of Opposition.

10. Applicant denies the averments as set forth in paragraph ten of the Notice of Opposition.

11. Applicant denies the averments as set forth in paragraph eleven of the Notice of Opposition.

12. Applicant denies the averments as set forth in paragraph twelve of the Notice of Opposition.

Applicant hereby asserts the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE

1. Opposer does not sell and/or offer for sale the products as identified in Applicant's application, namely, paper stickers, paper, and paper ribbon. In addition, Opposer does not sell and/or offer for sale products in the same international class as those products listed in Applicant's application.

2. The products sold and/or offered for sale by Opposer are not similar to the products included in Applicant's application.

3. Opposer does not have any a pending application for the mark FAMILY TRADITIONS for use in connection with paper stickers, paper, and/or paper ribbon.

SECOND AFFIRMATIVE DEFENSE

4. Upon information and belief, there are approximately thirty-six (36) registered or pending marks currently before the United States Patent and Trademark Office which contain the terms "FAMILY TRADITION(S)" as part of the mark. Of these marks, three are registered/pending with goods in class 16. Furthermore, Applicant's mark is the only mark pending for use in connection with paper stickers, paper and paper ribbon. None of the FAMILY TRADITIONS marks in class 16 are owned by Opposer.

THIRD AFFIRMATIVE DEFENSE

5. The use and registration of Applicant's mark will not cause confusion in the minds of the purchasing public and will not cause the purchasing public to assume

that the goods used with the mark FAMILY TRADITIONS are sold by Opposer or that such goods originate with or are in some way connected to Opposer.

FOURTH AFFIRMATIVE DEFENSE

6. Applicant, at the time of filing of Application Serial No. 76/572,734, was the rightful owner of the FAMILY TRADITIONS mark for paper, paper stickers, and ribbon.

FIFTH AFFIRMATIVE DEFENSE

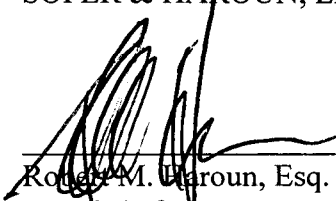
7. Applicant's use and registration of the mark FAMILY TRADITIONS for paper, paper stickers, and ribbon will not be injurious to Opposer.

WHEREFORE, Applicant EK Success, Ltd., by its attorneys, requests that the mark FAMILY TRADITIONS proceed to issue and this Opposition proceeding be dismissed.

Respectfully submitted,

SOFER & HAROUN, LLP

Dated: July 28, 2005



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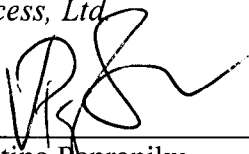
CERTIFICATE OF SERVICE

I hereby certify that the foregoing APPLICANT'S ANSWER TO THE NOTICE OF OPPOSITION was served by first class mail, postage prepaid upon:

Michael D. Hobbs, Jr.
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Attorneys for Applicant EK Success, Ltd

Dated: 7/28/05

By: 
Valentina Papraniku

Trademark

Docket No. : 688-419

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant(s) : EK Success, Ltd.
Serial No. : 76/572,734
Filed : January 28, 2004
For : Dollar General Intellectual Property L.P., v. EK Success, Ltd.

CERTIFICATE OF MAILING (37 C.F.R. 1.8a)

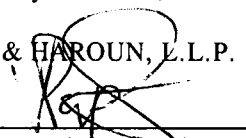
BOX RESPONSES NO FEE
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1450

Sir:

I hereby certify that the attached Applicant's Answer to the Notice of Publication, and Return Postcard along with any paper(s) referred to as being attached or enclosed and this Certificate of Mailing are being deposited with the United States Postal Service on the date shown below with sufficient postage as first-class mail in an envelope addressed to the: Commissioner for Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450.

Respectfully submitted,

SOFER & HAROUN, L.L.P.

By: 
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Date: 7/28/2005

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