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

TTAB

Razor USA, LLC,	§	
	§	
Opposer	§	
	§	
i.	§	Opposition No. 91171579
	§	
Razorline, LLC,	§	Interlocutory Attorney:
	§	
Applicant	§	Thomas W. Wellington

ANSWER

Commissioner For Trademarks
P. O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

Applicant, Razorline, LLC, a Louisiana limited liability company (hereinafter referred to as "Razorline"or "Applicant"), through its undersigned attorney, hereby answers the Notice Of Opposition, filed by Razor USA, LLC (hereinafter referred to as "Razor" or "Opposer"), and would show the following. Applicant answers using the same paragraph numbering found in the Opposition:

1. Razorline is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 1 of the Opposition, and so denies same.

2. Admitted.

3. Admitted.

4. Admitted.

5. Admitted.

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6. Razorline is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 6 of the Opposition, and so denies same.

7. Razorline is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 7 of the Opposition, and so denies same.

8. Razorline is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 8 of the Opposition, and so denies same.

9. Denied.

10. Razorline is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 10 of the Opposition, and so denies same.

11. Razorline is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 11 of the Opposition, and so denies same.

12. Razorline is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 12 of the Opposition, and so denies same.

13. Razorline is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 13 of the Opposition, and so denies same.

14. Razorline is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 14 of the Opposition, and so denies same.

15. Razorline is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 15 of the Opposition, and so denies same.

16. Razorline is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 16 of the Opposition, and so denies same.

17. Denied.

18. Denied.

19. Razorline is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 19 of the Opposition, and so denies same.

20. Razorline is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 20 of the Opposition, and so denies same.

21. Razorline is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 21 of the Opposition, and so denies same.

22. Denied.

23. Denied.

24. Razorline is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 24 of the Opposition, and so denies same.

25. Razorline is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 25 of the Opposition, and so denies same.

26. Razorline is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 26 of the Opposition, and so denies same.

27. Razorline is without knowledge or information sufficient to form a belief as to the truth of the averments contained in Paragraph 27 of the Opposition, and so denies same.

28. Denied.

29. Denied.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

34. Denied.

35. Admitted.

36. Denied.

AFFIRMATIVE DEFENSES

A. Razorline pleads, as its first affirmative defense, the equitable doctrine of *laches*, based upon Opposer's failure to complain, or act, on Applicant's open and notorious use of its mark, Razorline, in commerce, and the existence of its web site, www. razorline.com, since at least as early as April 1, 2004, for the services shown in the present application.

B. Razorline pleads, as its second affirmative defense, the equitable doctrine of acquiescence, based on Opposer's failure to complain, or act, on Applicant's open and notorious use of its mark, Razorline in commerce, and the existence of its web site, www. razorline.com, since at least as early as April 1, 2004, for the services shown in the present application.

C. Razorline pleads, as its third affirmative defense, that there is no likelihood of confusion between Opposer's mark "RAZOR", for its Goods and Services, and Applicant's Mark and Logo, based on the fact that:(1) Applicant's goods and services are substantially different from those of Opposer, and (2) the goods and services of each party are sold in different channels of commerce; and (3) the marks of Opposer and Applicant are not confusingly similar.

D. Razorline pleads, as its fourth affirmative defense, that Opposer's mark, when applied to any goods, has not become "famous" as that term is defined and used in the Federal Trademark Dilution Act, 15 U.S.C. § 1125(c), and thus is not entitled to be treated as being famous in this opposition.

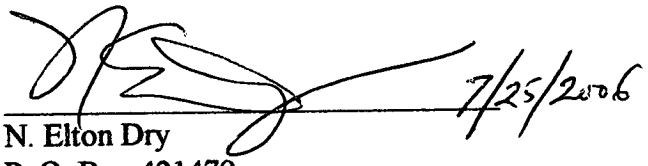
E. Razorline pleads, as its fifth affirmative defense, that Opposer's mark and Applicant's mark are not identical, and thus, the mere fact that a potential consumer may mentally associate Applicant's mark with that of Opposer, is not sufficient to establish dilution.

F. Razorline pleads, as its sixth affirmative defense, that Opposer, Razor, has not plead and cannot demonstrate that Applicant's mark causes *actual* dilution of any alleged distinctive quality of the Razor mark.

WHEREFORE, Razorline prays that Applicant's Application be accepted, not rejected and not stricken, that a registration, on the Principal Register be issued thereon to Applicant, and that this Opposition be dismissed, in favor of Applicant.

Respectfully submitted,

DRY & TASSIN, PLLC



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ATTORNEYS FOR APPLICANT,
RAZORLINE, LLC

CERTIFICATE OF SERVICE

I, N. Elton Dry, hereby certify that I have on this 25 day of July, 2006, served on the following, attorney for Opposer, Razor USA, LLC, a complete copy of the above-identified Answer, with any exhibits that may be attached, via the United States mail, first class, CERTIFIED, RETURN RECEIPT REQUESTED, postage prepaid.

Stacey R. Halpern
KNOBBE, MARTENS, OLSON & BEAR, LLP
2040 Main Street
Irvine, CA 92614

N. Elton Dry