

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

IN THE MATTER OF APPLICATION SERIAL NO. 78/671,246  
PUBLISHED IN THE OFFICIAL GAZETTE ON MAY 9, 2006

THIERRY MUGLER PARFUMS S.A.S.,	)	Opposition No.: 91172690
	)	
Opposer,	)	
	)	
v.	)	
	)	
DUDLEY PRODUCTS, INC.,	)	
	)	
Applicant.	)	

APPLICANT'S ANSWER TO NOTICE OF  
OPPOSITION AND AFFIRMATIVE DEFENSES

Applicant, Dudley Products, Inc., herein answers and responds to the Notice of Opposition filed by Thierry Mugler Parfums S.A.S. against the registration of the Applicant's mark ANGEL BREEZE, Serial No. 78/671,246, filed on July 15, 2005, and published in the Official Gazette of the United States Patent and Trademark Office on May 9, 2006. The Applicant answers, pleads and avers to the Opposition Petition as follows:

1. ANSWER: Applicant admits the allegations of Paragraph No. 1.
2. ANSWER: Applicant admits the allegations of Paragraph No. 2.

11-02-2006

3. ANSWER: Applicant is without sufficient knowledge and information from which to form a belief pertaining to the allegations of Paragraph No. 3 and the Applicant thereby denies the allegations and demands strict proof thereof.

4. ANSWER: Applicant is without sufficient knowledge and information from which to form a belief pertaining to the allegations of Paragraph No. 4 and the Applicant thereby denies the allegations and demands strict proof thereof.

5. ANSWER: Opposer misnumbered its paragraphs and there is no Paragraph No. 5.

6. ANSWER: Applicant is without sufficient knowledge and information from which to form a belief pertaining to the allegations of Paragraph No. 6 and the Applicant thereby denies the allegations and demands strict proof thereof.

7. ANSWER: Applicant is without sufficient knowledge and information from which to form a belief pertaining to the allegations of Paragraph No. 7 and the Applicant thereby denies the allegations and demands strict proof thereof.

8. ANSWER: Applicant admits the allegations of Paragraph No. 8, but affirmatively states that no such license, consent or permission is required.

9. ANSWER: Applicant is without sufficient knowledge and information from which to form a belief pertaining to the

allegations of Paragraph No. 9 and the Applicant thereby denies the allegations and demands strict proof thereof.

10. ANSWER: Applicant denies the allegations of Paragraph No. 10.

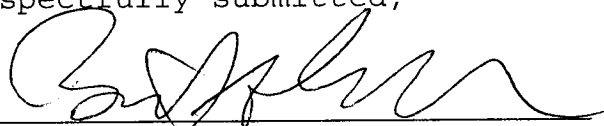
11. ANSWER: Applicant denies the allegations of Paragraph No. 11.

**AFFIRMATIVE DEFENSES**

1. That the use and/or registration of the word "Angel" in marks by third parties over a significant time period, for various goods, precludes the assertion of rights by the Opposer in the underlying word which the Opposer has asserted as the basis to impede the registrability of the Applicant's mark for the goods shown in the Applicant's application.

WHEREFORE, Applicant prays that the Opposition Notice against the application at issue be dismissed with prejudice and that the Applicant's application for the mark ANGEL BREEZE be allowed to issue.

Respectfully submitted,



By One of The Attorneys  
For The Applicant

Burton S. Ehrlich  
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**CERTIFICATE OF MAILING**

I hereby certify that this paper is 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 ATTN: TTAB; Assistant Commissioner for Trademarks, U.S. Trademark Office, P.O. Box 1451, Alexandria, VA 22313-1451 on this 31st day of October, 2006.

  
Burton S. Ehrlich

**CERTIFICATE OF SERVICE**

The undersigned, one of Applicant's attorneys, hereby certifies that on October 31, 2006, he caused true and correct copies of the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES to be served upon Opposer's counsel by First Class mail, postage pre-paid on this 31st day of October, 2006 to Opposer's counsel at the following address:

Marty Catherine Merz  
Merz & Associates, P.C.  
1140 Lake Street  
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Oak Park, Illinois 60301-1051

  
Burton S. Ehrlich