

ESTTA Tracking number: **ESTTA133962**

Filing date: **04/05/2007**

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

Proceeding	91175950
Party	Defendant La Vani, Inc. La Vani, Inc. 850 Monterey Pass Rd. Monterey Park, CA 91754
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Date	04/05/2007
Attachments	Answer to Notice of Opposition.PDF (3 pages)(15900 bytes)

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

In the Matter of Application Serial No. 76/584,390
Applicant: La Vani, Inc.



Mark:
Filed: April 1, 2004
Date of Publication: November 7, 2006

DOONEY & BOURKE, INC.,

Opposer

v.

LA VANI, INC.,

Applicant.

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Opposition No.: 91175950

ANSWER TO NOTICE OF OPPOSITION

Sir:

La Vani, Inc., Applicant in the above-captioned action, by and through its attorneys, Blank Rome LLP, answers the allegations contained in Opposer's Amended Notice of Opposition as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Notice of Opposition, and the same is therefore denied.

2. Applicant denies that its design mark DD covered by the application herein opposed is strikingly similar to Opposer's DB (plus design) and is without knowledge or

information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 2 of the Notice of Opposition, and the same is therefore denied.

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 3 of the Notice of Opposition, and the same is therefore denied.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 4 of the Notice of Opposition, and the same is therefore denied.

5. Applicant denies the allegations of Paragraph 5 of the Notice of Opposition.

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 6 of the Notice of Opposition, and the same is therefore denied.

AFFIRMATIVE DEFENSES

1. Opposer's claims for relief are barred in whole or in part by waiver, laches, acquiescence, and estoppel.

2. Opposer fails to state an adequate basis for some or all of its claims.

3. Opposer's claim that Applicant has infringed the trade dress of its goods by use of a repeating, criss-cross pattern with alternating upside-down and rightside-up versions fails to state a claim upon which relief may be granted.

4. Opposer is not the owner of any trademark in a repeating, criss-cross pattern with alternating upside-down and rightside-up versions.

5. Opposer is not the owner of any U.S. trademark registration for a repeating, criss-cross pattern with alternating upside-down and rightside-up versions.

6. There is no likelihood of confusion between the parties' respective marks as applied to their respective goods.

7. Opposer's DB (plus design) mark is not famous.

WHEREFORE, Applicant, having fully and completely answered the Notice of Opposition, and having asserted certain affirmative defenses, prays that the Board dismiss the opposition with prejudice.

Respectfully submitted,

BLANK ROME LLP

Date: April 5, 2007

By: /sbf/
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 5th day of April 2007, the foregoing **ANSWER TO NOTICE OF OPPOSITION** was served on counsel for Opposer via e-mail to rlaplaca@levettrockwood.com.

/sbf/
Susan B. Flohr