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

Proceeding	91177688
Party	Defendant Brown Shoe Company, Inc. Brown Shoe Company, Inc. 8300 Maryland Avenue St. Louis, MO 63105
Correspondence Address	Wendy Boldt Cohen; Alan S. Nemes; Danica Blackwell Sanders Peper Martin, LLP Suite 2400 720 Olive Street St. Louis, MO 63101  pto-sl@blackwellsanders.com
Submission	Answer
Filer's Name	Anthony Martin
Filer's e-mail	amartin@blackwellsanders.com, pto-sl@blackwellsanders.com
Signature	/Anthony Martin/
Date	07/13/2007
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CERTIFICATE OF MAILING

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals on July 13, 2007.

/s/ Anthony Martin

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

DR.'S OWN, INC.	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91/177,688
	)	
BROWN SHOE COMPANY, INC.	)	
	)	
Applicant.	)	
	)	

**ANSWER**

Applicant – Brown Shoe Company, Inc. – submits the following in response to the Notice of Opposition:

Opposer’s Notice of Opposition contains a lengthy introductory paragraph. Nothing in this paragraph appears to be stated as grounds for the Opposition. To the extent that any response is required, Applicant denies any statement or allegation contained in the introduction.

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 and therefore denies the same.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 and therefore denies the same.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 and therefore denies the same.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 and therefore denies the same.

5. Applicant admits that it filed Application Serial No. 78/923,939 on or about July 6, 2006. Applicant further states that Application Serial No. 78/923,939 speaks for itself as to the content and status of the application. Except as expressly stated, Applicant denies any remaining allegations in Paragraph 5.

6. Admitted.

7. Denied.

8. Denied.

## AFFIRMATIVE DEFENSES

Opposer's claims are barred, in whole or in part, for at least the following reasons:

1. Opposer has failed to state a claim upon which relief can be granted.
2. Opposer's claims are barred by the doctrines of waiver, estoppel, ratification, acquiescence, unclean hands and/or laches.
3. There is no likelihood of confusion, mistake, or deception because, inter alia, Applicant's Mark is not confusingly similar to the marks referenced by Opposer.
4. The marks identified by Opposer are of limited scope and strength or are unenforceable. As such, neither Opposer nor its marks will be harmed by the registration of Applicant's Mark.
5. The marks identified by Opposer are not inherently distinctive or famous.
6. To the extent that Opposer relies on a perceived similarity between the Applicant's Mark and Opposer's marks that is based on the inclusion of the terms "GOOD" or "FEET" in the marks, the United States Patent and Trademark Office's Principal Register of Trademarks contains numerous applications and registrations of trademarks consisting of "GOOD" marks and "FEET" marks.
7. To the extent that Opposer relies on a perceived similarity between the Applicant's Mark and Opposer's marks that is based on the inclusion of "GOOD" or

“FEET” in the marks, numerous “GOOD” marks and “FEET” marks coexist in the marketplace with Opposer’s marks.

8. Registration of Applicant’s Mark cannot cause dilution of any of Opposer’s marks.

BLACKWELL SANDERS, LLP

By: /s/ Anthony Martin

Alan S. Nemes, Esq.

Michelle W. Alvey, Esq.

Anthony Martin, Esq.

720 Olive Street, 24<sup>th</sup> Floor

St. Louis. MO 63101

Telephone (314) 345-6000

Facsimile: (314) 345-6060

*Attorneys for Applicant*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing was sent by US Mail and electronic mail on July 12, 2007, upon:

Barry F. Soalt  
Procopio Cory Hargreaves & Savitch LLP  
530 B Street, Suite 2100  
San Diego, CA 92101  
docteting@procopio.com and glj@procopio.com

*Attorneys for Opposer*

/s/ Anthony Martin