

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

Aritzia LP,	:	
	:	
Opposer,	:	Opposition No. 91178338
	:	
v.	:	
	:	Serial No.: 78/730,077
Anthony Garubo Salon & Day	:	
Spa Corp.	:	
	:	Mark: COMMUNITY. UNITY.
Applicant.	:	DIVERSITY.
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MS TTAB
 Commissioner for Trademarks
 P.O. Box 1451
 Alexandria, VA 22313-1451

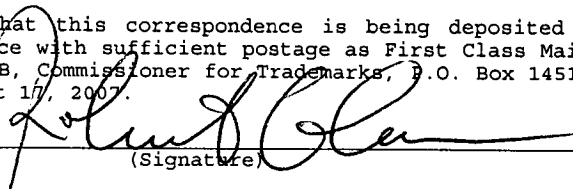
ANSWER TO NOTICE OF OPPOSITION

Applicant, Anthony Garubo Salon & Day Spa Corp., by its undersigned attorneys, makes the following answer to the numbered paragraphs of the Notice of Opposition:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 and therefore denies the same.
2. Applicant admits the allegations set forth in paragraph 2.


 08-20-2007
 U.S. Patent & TMO/TM Mail Rept DL #30

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to MS TTAB, Commissioner for Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on August 17, 2007.


 (Signature)

Robert B. Cohen
 (Typed or Printed Name of Person Signing Certificate)

3. Applicant admits that a copy of U.S. Trademark Registration No. 2,386,859 was attached to the Notice of Opposition, but is otherwise without knowledge or information sufficient to form a belief as to the truth of the allegations of 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 of paragraph 4 and therefore denies the same.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 5 and therefore denies the same.

6. Applicant admits that it filed an intent-to-use application for federal registration of the mark COMMUNITY. UNITY. DIVERSITY. on October 10, 2005; that the application was filed in International Classes 16 and 25; that the application in Class 25 covered "clothing"; that the application was assigned Serial No. 78/730,077; that the application was published for opposition on March 13, 2007 in the *Official Gazette* of the United States Patent and Trademark Office; and that the time for filing a Notice of Opposition was extended to July 11, 2007; but otherwise denies the allegations set forth in paragraph 6.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 7 and therefore denies the same.

8. Applicant admits the mark COMMUNITY. UNITY. DIVERSITY. in application Serial No. 78/730,077 incorporates the

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mark COMMUNITY in its entirety, but otherwise denies the allegations set forth in paragraph 8.

9. Applicant admits that registration of the mark COMMUNITY. UNITY. DIVERSITY. in Class 25 would be *prima facie* evidence of the validity of the registration, of applicant's ownership of the mark COMMUNITY. UNITY. DIVERSITY. for clothing, and of applicant's exclusive right to use the mark COMMUNITY. UNITY. DIVERSITY. in commerce, but otherwise denies the allegations set forth in paragraph 9.

10. Applicant denies the allegations set forth in paragraph 10.

WHEREFORE, Applicant prays that this Notice of Opposition be dismissed and that a registration be issued on the mark in application Serial No. 78/730,077.

Respectfully submitted,

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Anthony Garubo Salon & Day Spa
Corp.



Robert B. Cohen

Dated: August 17, 2007

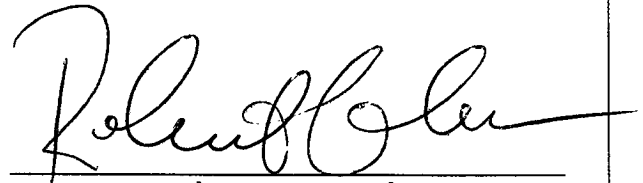
Opposition No. 91178338

CERTIFICATE OF SERVICE

I hereby certify that on August 17, 2007, a true copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served on the attorney for Opposer via first-class mail, postage prepaid, addressed as follows:

Nancy V. Stephens, Esq.
Foster Pepper PLLC
Attorneys for Opposer
1111 Third Avenue, Suite 3400
Seattle, WA 98101

Dated: August 17, 2007



Robert B. Cohen

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