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

Proceeding	91181647
Party	Defendant JennTech Unlimited Corporation
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Submission	Answer
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Date	04/22/2008
Attachments	Hollywood Answer and Affirmative Defenses _041608_.pdf (3 pages)(82304 bytes)

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

HOLLYWOOD CASINO CORPORATION

Opposer,

v.

JENNTECH UNLIMITED CORPORATION,
Applicant.

Opposition No.: 91181647

BOX TTAB

NO FEE

Assistant Commissioner for Trademarks

2900 Crystal Drive

Arlington, VA 22202-3513

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant, JENNTECH UNLIMITED CORPORATION, for its answer to the Notice of Opposition filed by HOLLYWOOD CASINO CORPORATION against application for registration of Applicant's trademark HOLLYWOOD REELS & Design, Serial No.: 78/940,727 filed July 30, 2006 and published in the Official Gazette of September 4, 2007 pleads and avers as follows:

1. Answering paragraph 1 of the Notice of Opposition, Applicant admits the allegations thereof.
2. Answering paragraph 2 of the Notice of Opposition, Applicant admits the allegations thereof.
3. Answering paragraph 3 of the Notice of Opposition, Applicant has no knowledge or information sufficient to form a belief as to the allegations contained therein and accordingly denies the allegations.
4. Answering paragraph 4 of the Notice of Opposition, Applicant has no knowledge or information sufficient to form a belief as to the allegations contained therein and accordingly denies the allegations.
5. Answering paragraph 5 of the Notice of Opposition, Applicant admits that Opposer is the owner of Registration No. 1,851,759 and Registration No. 2,844,138, but denies that such registrations are valid and subsisting.
6. Answering paragraph 6 of the Notice of Opposition, Applicant admits that Opposer is the owner of Registration No.'s 1,904,686, 1,904,687, 1,928,914, 1,990,629, 2,256,306, 2,256,307, 2,256,308, 2,268,074, 3,117,760 and 3,117,760, but denies that such registrations are valid and subsisting.
7. Answering paragraph 7 of the Notice of Opposition, paragraph 7 seems to be missing part of the paragraph and because of the confusion as to the true meaning of the paragraph,

Applicant denies the allegations.

8. Answering paragraph 8 of the Notice of Opposition, Applicant has no knowledge or information sufficient to form a belief as to the allegations contained therein and accordingly denies the allegations.

9. Answering paragraph 9 of the Notice of Opposition, Applicant has no knowledge or information sufficient to form a belief as to the allegations contained therein and accordingly denies the allegations.

10. Answering paragraph 10 of the Notice of Opposition, Applicant has no knowledge or information sufficient to form a belief as to the allegations contained therein and accordingly denies the allegations.

11. Answering paragraph 11 of the Notice of Opposition, Applicant admits that each of the Opposer's marks listed in the Opposition have "HOLLYWOOD" as one of the elements of the mark, but denies that "HOLLYWOOD" is the dominant element of the mark.

12. Answering paragraph 12 of the Notice of Opposition, Applicant denies the allegations thereof.

13. Answering paragraph 13 of the Notice of Opposition, Applicant denies the allegations thereof.

14. Answering paragraph 14 of the Notice of Opposition, Applicant denies the allegations thereof.

15. Answering paragraph 15 of the Notice of Opposition, Applicant has no knowledge or information sufficient to form a belief as to the allegations contained therein and accordingly denies the allegations.

16. Answering paragraph 16 of the Notice of Opposition, Applicant denies the allegations thereof.

17. Answering paragraph 17 of the Notice of Opposition, Applicant denies the allegations thereof.

18. Answering paragraph 18 of the Notice of Opposition, Applicant denies the allegations thereof.

19. Answering paragraph 19 of the Notice of Opposition, Applicant denies the allegations thereof.

20. Answering paragraph 20 of the Notice of Opposition, Applicant admits that if granted a registration it would obtain a *prima facie* exclusive right to use the mark and denied that such registration would be a source of damage and injury to the Opposer.

AFFIRMATIVE DEFENSES

1. The Opposition fails to state a claim upon which any of the relief requested by the Opposer can be granted.

2. The Applicant affirmatively alleges that the mark portion "HOLLYWOOD" is common in the entertainment industry and cannot be exclusive to the Opposer.
3. The composite mark HOLLYWOOD REELS is not confusingly similar to the marks of Opposer.
4. Applicant's business operations are unrelated to the business operations of Opposer and are not likely to cause confusion with Opposer's registered marks or other valid common law trademarks or trade dress.
5. The Opposition is merely intended to improperly force the Applicant to resolve this matter on terms that are contrary to the Applicant's rights and to create for Opposer the exclusive right to use of the word HOLLYWOOD in their business.
6. The Opposer's trademark registrations alleged in the Opposition may not be valid due to the lack of trademark usage on all of the goods and services state in the registration and stated in the documents filed during prosecution, maintenance and renewal of those applications, such that the registrations would be canceled due to fraud on the United States Patent and Trademark Office.

WHEREFORE, Applicant JENNTECH UNLIMITED CORPORATION contends that this opposition is groundless and baseless in fact; that Opposer has not shown wherein it will be, or is likely to be, damaged by the registration of Applicant's trademark; that Applicant's trademark is manifestly distinct from any alleged mark of the Opposer or any designation of the Opposer and Applicant prays that this Opposition be dismissed and that Applicant be granted registration of its trademark.

Dated this 22nd day of April, 2008

CORPORATON

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JENNTECH UNLIMITED

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER TO THE NOTICE OF OPPOSITON was mailed first-class mail, postage prepaid, to Patricia G. Cramer and Corinne Militello, Ballard Spahr Andrews & Ingersoll, LLP, 1735 Market Street, 51st Floor, Philadelphia, Pennsylvania, 19103, attorneys for Opposer, this 16th day of April, 2008...