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

Proceeding	91182036
Party	Defendant Halo Branded Solutions, Inc.
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Date	03/24/2008
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of:

MARK: BRIGHT IDEAS. BRILLIANT RESULTS.
Serial No. 77/140,299
Filed March 26, 2007
Published: September 25, 2007

JOHN A. GALBREATH

Opposer,

v.

HALO BRANDED SOLUTIONS, INC.,

Applicant.

Opposition No. 91182036

ANSWER TO NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES

Applicant, Halo Branded Solutions, Inc. ("Applicant"), by its attorneys, answers the Notice of Opposition of John A. Galbreath ("Opposer"), as follows:

Notice of Opposition ¶ 1

Opposer owns THE BRIGHT IDEAS COMPANY mark, registered under United States Registration No. 2335348.

Answer to Notice of Opposition ¶ 1

Upon information and belief, Applicant admits Opposer is the current registrant of record of United States Registration No. 2335348. Applicant denies any and all remaining allegations in paragraph 1 of the Notice of Opposition.

Notice of Opposition ¶ 2

Opposer's Registration No. 2335348 is incontestable, and as such constitutes conclusive evidence of the validity of the registered mark therein and of the registration thereof, and of Opposer's ownership of the mark shown therein as provided by Section 33(b) of the Trademark Act. Opposer's registration also

constitutes notice to Applicant of Opposer's claim of ownership of the mark shown therein as provided in Section 22 of the Trademark Act.

Answer to Notice of Opposition ¶ 2

Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 2 of the Notice of Opposition, and therefore denies same. Furthermore, Applicant denies such allegations to the extent that they inappropriately state legal conclusions.

Notice of Opposition ¶ 3

Opposer uses the mark in connection with the services identified in the registration: product development and intellectual property services, namely, developing patents and trademarks for products and services, and licensing of associated intellectual property. In connection with these services, Opposer provides information and advice concerning marketing, advertising, promotion, innovative idea generation, inventions and patents, other intellectual property, and licensing.

Answer to Notice of Opposition ¶ 3

Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 3 of the Notice of Opposition, and therefore, denies each and every allegation in paragraph 3.

Notice of Opposition ¶ 4

Opposer has been using his mark in commerce in connection with the above-identified services from at least as early as February 17, 1999. Opposer's mark thus has priority over Applicant's mark, which was filed on March 26, 2007 and claims a first use date of November 1, 2006.

Answer to Notice of Opposition ¶ 4

Applicant admits its application for BRIGHT IDEAS. BRILLIANT RESULTS. (Serial No. 77/140,299) was filed with the U.S. Patent and Trademark Office on March 26, 2007, and that such application accurately sets forth a first use date of November 1, 2006. Applicant is without sufficient knowledge or information to form a belief as to the truth of the remaining

allegations in paragraph 4 of the Notice of Opposition, and therefore, denies each and every remaining allegation in paragraph 4.

Notice of Opposition ¶ 5

Applicant's use of the BRIGHT IDEAS. BRILLIANT RESULTS. mark will result in confusion among consumers regarding the source of Applicant's services, including its advertising services and promotional programs, as well as the source of Opposer's above-identified services, and will significantly and irreparably damage Opposer's existing BRIGHT IDEAS COMPANY mark.

Answer to Notice of Opposition ¶ 5

Applicant denies each and every allegation in paragraph 5 of the Notice of Opposition, and Applicant states that Opposer misrepresents his mark in paragraph 5 of the Notice of Opposition.

Notice of Opposition ¶ 6

The BRIGHT IDEAS COMPANY and BRIGHT IDEAS. BRILLIANT RESULTS. marks are confusingly similar. They contain the same core words – BRIGHT IDEAS – and are used for similar goods and services. Thus, they convey similar impressions to consumers.

Answer to Notice of Opposition ¶ 6

Applicant admits Opposer's mark and Applicant's mark both contain the words BRIGHT and IDEAS. Applicant denies each and every remaining allegation in paragraph 6 of the Notice of Opposition, and Applicant states that Opposer misrepresents his mark in paragraph 6 of the Notice of Opposition.

Notice of Opposition ¶ 7

For all the above reasons, Opposer requests that the Board deny Applicant's application for registration of the BRIGHT IDEAS. BRILLIANT RESULTS. mark, and grant such other and further relief and damages to Opposer that the Board deems appropriate.

Answer to Notice of Opposition ¶ 7

Applicant denies each and every allegation in paragraph 7 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

As for its affirmative defenses herein, Applicant asserts as follows:

First Affirmative Defense

Opposer fails to state a claim upon which relief can be granted.

Second Affirmative Defense

Marks containing the term "BRIGHT IDEAS" are widely used by others in connection with various goods and services, including marketing, promotional and advertising services. In fact, the U.S. Patent and Trademark Office has registered (or approved for registration) numerous marks comprising the term "BRIGHT IDEAS." As such, any rights Opposer may have in his mark would be extremely narrow and would not bar registration of Applicant's mark for the goods/services identified in the application.

Third Affirmative Defense

Opposer seeks to mislead this Board by continuously referring to Opposer's mark as BRIGHT IDEAS COMPANY. Opposer's mark is THE BRIGHT IDEAS COMPANY, and in any event, such mark is distinctive from Applicant's mark.

Fourth Affirmative Defense

Especially given the narrow scope of protection, if any, afforded Opposer's mark, based on the dissimilar services offered under Applicant's mark and Opposer's mark, the differences in appearance, sound and meaning between the marks, combined with the fact that Applicant contracts primarily with highly sophisticated consumers, there is no likelihood of confusion between Applicant's mark and Opposer's mark.

Fifth Affirmative Defense

Upon information and belief, Applicant alleges Opposer's claims are barred, in whole or in part, by reason of the doctrine of unclean hands.

Sixth Affirmative Defense

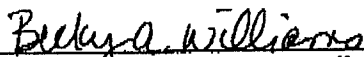
Applicant alleges Opposer's claims are untimely, and, as such, are barred, in whole or in part, by reason of the doctrine of laches.

Seventh Affirmative Defense

Applicant alleges Opposer's claims are barred, in whole or in part, by reason of the doctrines of acquiescence and waiver.

WHEREFORE, Applicant respectfully requests that the U.S. Trademark Trial and Appeal Board deny and dismiss with prejudice Opposer's Notice of Opposition, and that Applicant be granted all other relief available to it under the circumstances, including all available sanctions against Opposer and/or its counsel, based on Opposer's knowing failure to assert a colorable claim against Applicant, and the knowing violation by Opposer's counsel of the provisions of 37 CFR § 10.18.

March 24, 2008



One of the Attorneys for Applicant,
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