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

Proceeding	91183325
Party	Defendant DeLuisa, Laura
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Date	06/10/2008
Attachments	Answer.pdf ( 4 pages )(14068 bytes )

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

In re Serial No. 77/204,072 – ROCCA BABY  
Published December 4, 2007

JOHNSON & JOHNSON and  
ROC INTERNATIONAL S.A.R.L.

Opposers,

v.

LAURA DELUISA

Applicant.

Opposition No. 91183325

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

ANSWER TO OPPOSITION

Laura DeLuisa (“Applicant”), also known as Laura LaRocca hereby files an Answer to the Notice of Opposition as set forth below.

Answering the preamble, applicant admits that she is an individual, having an address at 4554 Lemp Avenue, Studio City, California 91602, filed an application for application serial No. 77/204,072 – ROCCA BABY for “baby care products, namely, shampoos, hair conditioners, oils, lotions, powders, body creams, bath foams, gels and milks, and lip balm” in class 3, filed June 12, 2007. Applicant denies that Opposers will

be damaged by the registration of application Serial No. 77/204,072. With respect to the remaining allegations in the preamble, Applicant lacks information sufficient to form a belief as to such allegations and therefore denies the same.

As grounds of this petition, it is further alleged that:

1. Applicant lacks information sufficient to form a belief as to the allegations in paragraph 1 of the Notice of Opposition, and therefore denies the same.

2. Applicant lacks information sufficient to form a belief as to the allegations in paragraph 2 of the Notice of Opposition, and therefore denies the same.

3. Applicant lacks information sufficient to form a belief as to the allegations in the preamble and paragraphs a, b and c of paragraph 3 of the Notice of Opposition, and therefore denies the same, other than she admits that a copy of TESS printouts of each of the two identified registrations and one application are attached to the Notice of Opposition.

4. Denied.

5. Applicant lacks information sufficient to form a belief as to the allegations in paragraph 5 of the Notice of Opposition, and therefore denies the same.

6. Denied.

7. Denied.

8. Admit that Applicant has never used the exact mark ROCCA BABY in interstate commerce in connection with the goods identified in application Serial No. 77/204,072, but otherwise denies.

9. Admit that Applicant has never used the exact mark ROCCA BABY in commerce with the United States in connection with the goods identified in application Serial No. 77/204,072, but otherwise denies.

10. Denied.
11. Denied.
12. Denied.
13. Denied.
14. Denied.
15. Denied.

AFFIRMATIVE DEFENSES & ALLEGATIONS

16. Opposers have failed to state a claim upon which relief may be granted.
17. Given the different trade channels and different purchasing public for parties' respective goods, there is no likelihood of confusion between the parties' marks.
18. On information and belief, one or both of the opposers lack standing to bring this opposition.
19. On information and belief, one or both of the opposers has unclean hands in connection with registration and/or maintenance of one or more of the registrations asserted in this opposition.

WHEREFORE, Applicant denies that opposer will be damaged by registration of Serial No. 77/204,072 and prays that this opposition be dismissed with prejudice.

Respectfully submitted,

/s/

Dated: June 10, 2008

By: \_\_\_\_\_  
PAUL D. SUPNIK  
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Attorney for Respondent

CERTIFICATE OF SERVICE

I certify that a true and accurate copy of the foregoing ANSWER was served by first class mail, postage prepaid, on this 10<sup>th</sup> day of June, 2008, upon counsel for Opposers:

Norm D. St. Landau, Esq.  
Linda T. Makings, Esq.  
Drinker Biddle & Reath LLP  
Washington, D.C. 20005

Dated: June 10, 2008

*/s/*

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PAUL D. SUPNIK  
Attorney for Applicant