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

Proceeding	91183857
Party	Defendant Hamilton, Paige
Correspondence Address	SCOTT W. KELLEY KELLY LOWRY & KELLEY, LLP 6320 CANOGA AVE STE 1650 WOODLAND HILLS, CA 91367-7704 scott@KLKPatentLaw.com
Submission	Answer
Filer's Name	Scott W. Kelley
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Date	05/27/2008
Attachments	Answer to Notice of Opp.pdf (3 pages)(250708 bytes)

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

In the matter of

May 27, 2008

Trademark Application Serial No. 77/159,559
For the mark PAIGE HAMILTON DESIGN
Published in the Official Gazette on April 1, 2008

Opposition No. 91183857

PREMIUM DENIM, LLC, Opposer

v.

PAIGE HAMILTON, Applicant

ANSWER TO NOTICE OF OPPOSITION

Trademark Trial and Appeal Board
Commissioner for Trademarks
via E-FILE

Commissioner:

By way of Answer to the Notice of Opposition filed on behalf of **Premium Denim, LLC** filed May 1, 2008, Applicant **Paige Hamilton** states by and through her undersigned counsel, the following:

With respect to the first “unnumbered paragraph” of the Notice of Opposition, Applicant lacks sufficient information to determine the truth of the organization and location of Opposer, and denies that Opposer will be damaged by registration of Application Serial No. 77/159,559.

1. Applicant admits the allegations of paragraph 1 of the Notice of Opposition.

2. Applicant admits that on or about April 18, 2007 she filed an application to register the mark PAIGE HAMILTON DESIGN in connection with goods in International Classes 9, 18 and 25. Applicant further admits that such application based upon an actual use in commerce, having a first use of May 23, 2005 and a first use in commerce of March 8, 2007. Except as expressly admitted herein, Applicant denies any remaining allegations of paragraph 2.

3. Applicant admits the allegations of paragraph 3 of the Notice of Opposition.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4 of the Notice of Opposition, and accordingly, denies the same.

5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 5 of the Notice of Opposition, and accordingly, denies the same.

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 6 of the Notice of Opposition, and accordingly, denies the same.

7. Applicant denies the allegations of paragraph 7 of the Notice of Opposition.

8. Applicant denies the allegations of paragraph 8 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

A. Applicant's mark is PAIGE HAMILTON DESIGN, which is comprised, in part, of Applicant's legal name.

B. Applicant's mark is readily distinguishable from Opposer's asserted marks.

Wherefore, Applicant prays that the Notice of Opposition be dismissed with prejudiced in its entirety, and that a registration be issued to Applicant for its mark.

Respectfully submitted,

KELLY LOWRY & KELLEY, LLP

Date: May 27, 2008

/Scott W. Kelley/
Scott W. Kelley
Attorney for Applicant

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CERTIFICATE OF SERVICE

As counsel for Applicant, I hereby certify that I caused a true and correct copy of the attached APPLICANT'S ANSWER TO NOTICE OF OPPOSITION to be served on this date via U.S. first class mail, postage prepaid, upon counsel for Opposer:

Rod S. Berman
Jeffer Mangels Butler & Marmaro LLP
1900 Avenue of the Stars, 7th Floor
Los Angeles, CA 90067

Dated: May 27, 2008

/Scott W. Kelley/
Scott W. Kelley, Esq.
KELLY LOWRY & KELLEY, LLP
Attorneys for Applicant