



thereof and based on such lack of information and belief denies same.

3. Answering the Allegations of paragraph 3 of said Notice of Opposition, this answering Applicant has no knowledge or information sufficient to form a belief as to the truth of the allegations set forth therein and based on such lack of information or belief, denies same. This answering Applicant alleges that Opposer has no standing to claim relief and/or make allegations herein for anyone or anybody save and except for Opposer.

4. Answering the Allegations of paragraph of said Notice of Opposition, this answering Applicant has no knowledge or information sufficient to form a belief as to the truth of the allegations set forth therein and based on such lack of information or belief, denies same. This answering Applicant f alleges that Opposer has no standing to claim relief or make allegations herein for anyone or anybody save and except for Opposer.

5. Answering the allegations of paragraph 5 of said Notice of Opposition, this answering Applicant alleges that said paragraph 5 is vague and indefinite in that the inclusion of "public" second occurrence in line three thereof is not understandable. However, answering the allegations of said paragraph 5 as best this answering Applicant can understand them, this answering Applicant denies each, every and all allegations contained therein.

6. Answering the allegations of paragraph 6 of said Notice of Opposition , this answering Applicant denies each, every and all allegations contained therein. This answering Applicant further alleges that Opposer has no standing to claim relief herein or make any allegations for anyone or anybody save and except for Opposer.

7. Answering the allegations of paragraph 7 of said Notice of Opposition , this answering Applicant denies each, every and all allegations contained therein.

8. Answering the allegations of paragraph 8 of said Notice of Opposition , this answering Applicant denies each, every and all allegations contained therein. This answering Applicant further alleges that Opposer has no standing to claim relief herein or make any allegations for anyone or anybody save and except for Opposer.

9. Answering the allegations of paragraph 9 of said Notice of Opposition , this answering Applicant denies each, every and all allegations contained therein. Further answering the allegations of said paragraph 9, this answering Applicant denies that registration of Applicant's mark will damage Opposer, or anyone or at all, in any amount or in any way or manner or at all. This answering Applicant further alleges that Opposer has no standing to claim relief herein or make any allegations for anyone or anybody save and except for Opposer.

10. Answering the allegations of paragraph 10 of said Notice of Opposition this answering Applicant incorporates its response to paragraphs 1 through 9 as above set forth as if set out in full herein.

11. Answering the allegations of paragraph 11 of said Notice of Opposition , this answering Applicant denies each, every and all allegations contained therein. This answering Applicant further alleges that Opposer has no standing to claim relief herein or make allegations for anyone or anybody save and except for Opposer.

12. Answering the allegations of paragraph 12 of said Notice of Opposition, this answering Applicant alleges that said paragraph 12 is vague and indefinite in that the inclusion of the phrase on lines eight and nine beginning with "because" and ending with "misdescriptive" is not understandable. However, answering the allegations of said paragraph 12 as best this

answering Applicant can understand them, this answering Applicant denies each, every and all allegations contained therein.

13. Answering the allegations of paragraph 13 of said Notice of Opposition, this answering Applicant denies each, every and all allegations contained therein. This answering Applicant further alleges that Opposer has no standing to claim relief herein for anyone or anybody save and except for Opposer.

14. Answering the allegations of paragraph 14 of said Notice of Opposition, this answering Applicant denies each, every and all allegations contained therein. This answering Applicant further alleges that Opposer has no standing to claim relief herein for anyone or anybody save and except for Opposer.

15. Answering the allegations of paragraph 15 of said Notice of Opposition, this answering Applicant denies each, every and all allegations contained therein. Further answering the allegations of said paragraph 15, this answering Applicant denies that registration of Applicant's mark will damage Opposer, or anyone or at all, in any amount or in any way or manner or at all. This answering Applicant further alleges that Opposer has no standing to claim relief herein for anyone or anybody save and except for Opposer.

#### AFFIRMATIVE DEFENSES

16. As a first Affirmative Defense, this answering Applicant alleges that said Notice of Opposition and/or said purported first count thereof and/or said purported second count thereof fails to state a claim upon which relief may be granted.

17. As a second Affirmative Defense, this answering Applicant alleges that Opposer

is not *in loco parentis* to any member of the public or the public in general, or art all so that Opposer can make or maintain any claim of damages, injury or any other claim with respect thereto.

18. As a third Affirmative Defense, this answering Applicant alleges that Opposer is not *parens patriae* to any other business, firm, entity or organization of any kind or nature whatsoever so that Opposer can make or maintain any claim of damages, injury or any other claim with respect thereto.

19. As a fourth Affirmative Defense, this answering Applicant alleges that granting trademark registration status to the mark THE PAPER of NEW IMAGE does not deprive NORTH or any other person, firm or entity of any kind or nature from using the phrase “the paper” or “paper” in the normal, accepted, ordinary and descriptive meaning and connotation thereof.

20. As a fifth Affirmative Defense, this answering Applicant alleges that NORTH can not and will not be damaged or injured in any way or manner whatsoever or be hindered or impeded in any way or manner whatsoever in any lawful advertising, sale, promotion or at all by the granting of a trademark registration to NEW IMAGE for the mark THE PAPER.

21. As a sixth Affirmative Defense, this answering Applicant alleges that the mark THE PAPER of NEW IMAGE is not descriptive as applied to the goods of NEW IMAGE as set forth in the above identified Application of NEW IMAGE.

22. As a seventh Affirmative Defense, this answering Applicant alleges that the mark THE PAPER of NEW IMAGE is not generic as applied to the goods of NEW IMAGE as set forth in the above identified Application of NEW IMAGE.

23. As an eighth Affirmative Defense, this answering Applicant alleges that the mark THE PAPER of NEW IMAGE is not misdescriptive of the goods of NEW IMAGE to which the mark THE PAPER is applied as set forth in the above identified Application of NEW IMAGE.

24. As a ninth Affirmative Defense, this answering Applicant alleges that the mark THE PAPER of NEW IMAGE is arbitrary and distinctive as applied to the goods of NEW IMAGE to which the mark THE PAPER is applied as set forth in the above identified Application of NEW IMAGE.

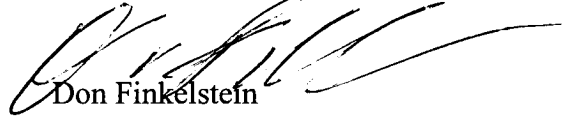
25. As an tenth Affirmative Defense, this answering Applicant alleges that the mark THE PAPER of NEW IMAGE when utilized on or in connection with the goods of NEW IMAGE to which the mark THE PAPER is applied as set forth in the above identified Application of NEW IMAGE serves and would be recognized as a trademark designation for such goods.

WHEREFOR, this answering Applicant pays that the opposition herein be dismissed with prejudice and that the above identified Application of NEW IMAGE for the mark THE PAPER

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be retained as an active Application pending use by NEW IMAGE.

Respectfully submitted,



Don Finkelstein

Practice Administrator for the  
Law Office of Edward Sokolski  
Attorney for Applicant

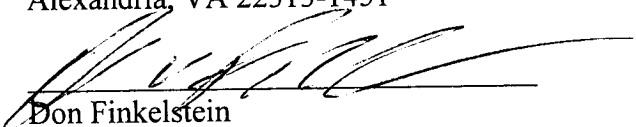
Date: December 17, 2008

Don B. Finkelstein, Esq.  
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Fax: (310) 543 7570  
email: bigfink@aol.com

## CERTIFICATE OF MAILING

I hereby certify that the Original and Two Copies of the attached ANSWER TO NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES are being deposited in the United States Postal Service on December 17, 2008 as First Class Mail in an envelope, postage paid, addressed to :

COMMISSIONER FOR TRADEMARKS  
P.O.Box 1451  
Alexandria, VA 22313-1451

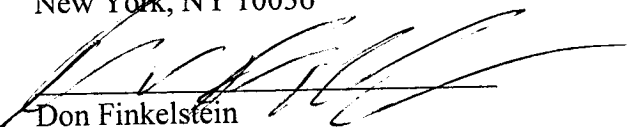
  
Don Finkelstein

Date: December 17, 2008

## PROOF OF SERVICE

It is hereby certified that a true and correct copy of the foregoing: ANSWER TO NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES was served on Opposer on December 17, 2008 by first class mail postage prepaid in an envelope addressed to:

Heather L. Jensen, Esq.  
Arlana S. Cohen, Esq.  
COWAN, LIEBOWITZ & LATMAN, PC  
1133 Avenue of the Americas  
New York, NY 10036

  
Don Finkelstein

Date: December 17, 2008