

TTAB



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Our File No.: 74210/002

April 23, 2009

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

**Re: philosophy, inc., an Arizona corporation vs. Sonya Dakar,
An individual - Opposition No.: 91188894
Answer and Abandonment**

7/482,746

Dear Sir/Madam:

Enclosed please find an original Answer and Abandonment in the above-referenced matter (a copy has been served on opposing counsel). Kindly file this Answer with the Trademark Trial and Appeal Board. A copy of this Answer is also being electronically submitted. Thank you.

Very truly yours,

Michael R. Morris
Valensi Rose, PLC

MRM:jwb
Enclosure

cc: Sonya Dakar (w/encl.)



04-27-2009

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

In the matter of Application Serial No. 77/482,766
MARK: BEAUTY BOOT CAMP
Published in the Official Gazette of October 21, 2008 at
Page TM 310

philosophy, inc., an Arizona corporation
Opposer,

vs.

Opposition No. 91188894

SONYA DAKAR, an individual,
Applicant

ANSWER AND ABANDONMENT

The Applicant, SONYA DAKAR, answers the Notice of
Opposition and alleges the following:

1. Applicant is without knowledge and information
sufficient to form a belief as to the allegations in paragraph 1
of the Notice of Opposition.

2. Admits the allegation of paragraph 2 of the Notice of
Opposition, except Application has no knowledge and information
sufficient to form a belief as to the truth of the date Opposer
first used the Mark "BOOT CAMP."

3. Admits the allegations of paragraph 3 of the Notice of
Opposition.

4. Applicant is without knowledge and information sufficient to form a belief as to the truth of the allegations of paragraph 4 of the Notice of Opposition.

5. Admits the allegations of paragraph 5 of the Notice of Opposition.

6. Admits the allegations of paragraph 6 of the Notice of Opposition.

7. Admits the allegations of paragraph 7 of the Notice of Opposition.

8. Admits the allegation in paragraph 8 of the Notice of Opposition that Opposer sent a letter to Applicant's prior counsel of record requesting that Applicant abandon the application as to International Class 003 only, but has no knowledge if Applicant's prior counsel replied to said letter. However, by email of April 1, 2009 to Opposer's counsel, Applicant's current counsel of record offered to abandon the application in International Class 003.

9. Admits the allegations of paragraph 9 of the Notice of Opposition, except as to first use date of Opposer's Mark being in October, 2007, as to which Applicant lacks knowledge and information sufficient to form a belief as to the truth of such averment.

10. Applicant is without knowledge and information sufficient to form a belief as to the truth of the averment in paragraph 10 of the Notice of Opposition.

11. Applicant is without knowledge and information sufficient to form a belief as to the truth of the averment in paragraph 11 of the Notice of Opposition.

12. Applicant is without knowledge and information sufficient to form a belief as to the truth of the averment in paragraph 12 of the Notice of Opposition that the goods Applicant intends to offer are "substantially similar" to the goods of Opposer bearing Opposer's Mark.

13. Applicant is without knowledge and information sufficient to form a belief as to the truth of the averment in paragraph 13 of the Notice of Opposition that the goods Applicant intends to offer will be sold in the same channels of trade as the goods sold by Opposer bearing Opposer's Mark.

14. Admits that the two words "BOOT CAMP" of Applicant's Mark are identical to Owner's Mark. Applicant is without knowledge and information sufficient to form a belief as to the truth of the remaining averment in paragraph 14 of the Notice of Opposition.

15. Applicant is without knowledge and information sufficient to form a belief as to the truth of the averment of paragraph 15 of the Notice of Opposition.

16. Applicant is without knowledge and information sufficient to form a belief as to the truth of the averment of paragraph 16 of the Notice of Opposition.

17. Applicant is without knowledge and information sufficient to form a belief as to the truth of the averment of paragraph 17 of the Notice of Opposition.

18. In light of the potential for confusion between Opposer's Mark registered as US Trademark Registration No. 3,455,164 and Applicant's Trademark Application Serial No. 77/482,766 solely as to the International Classes 003, Applicant hereby abandons her Trademark Application Serial No. 77/482,766 in International Class 003 only.

19. Applicant's Trademark Application Serial No. 77/482,766 as to International Classes 005 and 032 are not opposed, Opposer had no basis upon which to oppose registration of Applicant's Trademark Application Serial No. 77/482,766 within International Classes 005 and 032, and Applicant's Mark is entitled to registration with respect to such classes.

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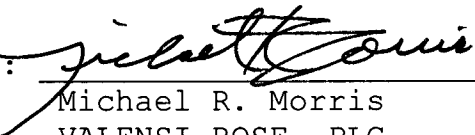
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WHEREFORE, Applicant prays that the Applicant's Trademark Application Serial No. 77/482,766 be deemed abandoned in International Class 003 only, and that registration be issued thereon in International Classes 005 and 032.

Dated: April 23, 2009

Respectfully submitted,

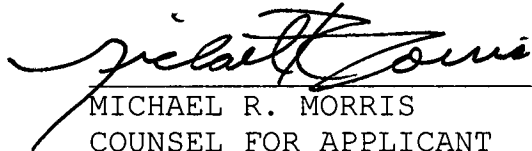
By: 
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Attorneys for Applicant
Sonya Dakar

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **ANSWER AND ABANDONMENT** was served on counsel for Opposer by e-mail and mailing the same on April 23, 2009 in a postage paid wrapper addressed as follows:

Albert L. Underhill
Snell & Wilmer, LLP
400 E. Van Buren
Phoenix, AZ 85005-2202

Date: April 23, 2009



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