

ESTTA Tracking number: **ESTTA280312**

Filing date: **04/27/2009**

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

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|---------------------------|--|
| Proceeding | 91189412 |
| Party | Defendant Mellbeck Ltd |
| Correspondence Address | James Tilleard Mellbeck Ltd. The Old Sorting Office, 92 High Street Mayport CA 156BE, UNITED KINGDOM |
| Submission | Answer |
| Filer's Name | Mr James Tilleard |
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| Date | 04/27/2009 |
| Attachments | 77518568_answer_01.pdf (3 pages)(52703 bytes) |

Applicant: Mellbeck Ltd *
Serial No: 77518568 *
Filing Date: July 10 2008 *

Mark:  *
Published: December 2 2008 *

Opposition No. 91189412

Mellbeck Ltd *
Applicant *
v. *
Esprit IP Ltd *
Opposer *

ANSWER TO OPPOSITION

In the matter of Application Serial number 77518568 for the registration of the trademark



in international class 25 (the "**EDZ**" Mark) by Mellbeck

Ltd. ("**Applicant**") and Esprit IP Limited ("**Opposer**"). We believe that the

Opposers grounds for opposition are unfounded for the following reasons;

1. The Applicant accepts this statement.
2. The Applicant accepts this statement.
3. The Applicant accepts this statement.
4. The Applicant accepts this statement.
5. The Applicant accepts this statement.
6. The Applicant accepts this statement.
7. The Applicant accepts this statement.
8. The Applicant accepts this statement.

9. It should also be noted that the EDZ mark was first introduced in 1997 and has been in continuous use since then.

10. The Applicant accepts this statement.
11. The Applicant accepts this statement.

12. The opponents are claiming that the edc logo and the EDZ mark are similar in shape and appearance. This is not the case as the EDZ mark is a regular oval shape while the edc logo is more elongated, almost cigar shape. See below;



The characters in the EDZ mark are uppercase & of a distinctive stylised design whereas the edc letters resemble a commonly used lower case font similar to Arial. We submit that the two are so dissimilar that it is not possible to confuse one with the other.

13. The Applicant accepts this statement.
14. The Applicant accepts this statement.

15. We deny the opponents claim that the applicants mark EDZ sounds like EDC, EDZ is pronounced in the UK English fashion as in 'E. D. Zed' like the Z in Zeppelin and were it inadvertently pronounced with a 'zee' sound it is unlikely to be confused with the 'see' sound in EDC.

16. The applicants mark EDZ clearly sounds and looks distinctively different to the Opposers mark EDC.

17. The Applicant accepts this statement

18. We submit that the EDZ mark was first introduced in 1997 and has been in continuous use since then.

19.1 On both sound and visual recognition there are obvious differences between the EDZ and EDC marks which clearly differentiates them apart and as a consequence EDZ and EDC can not be confused or have connotations.

19.2 The Applicant refutes the Opposers broad claim that we sell identical or similar goods' other than that we produce various items of apparel as many other companies also do.


20. As the EDC and EDZ marks are so distinctively different in appearance and sound and are unlikely to be confused we refute the suggestion that the use of the EDZ mark will have any detrimental effect on the Opposer.

21. The Applicant denies that they have knowingly filed their application in anything other than the correct manner.

23. In view of the distinctive differences between the Opposers EDC mark and the Applicants EDZ mark the Opposer has no reasonable cause to claim that they are likely to be caused injury, harm or damage from this application being accepted.

WHEREFORE, Applicant Mellbeck Ltd, prays that this opposition be dismissed and the registration of Application Serial No. 77518568 be allowed.

Respectfully submitted



James Tilleard
Director
MELLBECK LTD

Date April 27th 2009

Electronic signature /J Tilleard/

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