

ESTTA Tracking number: **ESTTA303729**

Filing date: **08/31/2009**

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

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|---------------------------|--|
| Proceeding | 91191146 |
| Party | Defendant J.I.A., Inc. |
| Correspondence Address | DAVID W. CARSTENS CARSTENS & CAHOON, LLP PO BOX 802334 DALLAS, TX 75380-2334 tmdocketing@cclaw.com |
| Submission | Answer |
| Filer's Name | Zachary W. Hilton |
| Filer's e-mail | tmdocketing@cclaw.com, hilton@cclaw.com |
| Signature | /Zachary W. Hilton/ |
| Date | 08/31/2009 |
| Attachments | Answer to Notice of Opposition (FINAL).pdf (4 pages)(23904 bytes) |

3. J.I.A. has insufficient knowledge or information as to the truth of the allegations in Paragraph 3 of the Notice and therefore denies them.

4. J.I.A. has insufficient knowledge or information as to the truth of the allegations in Paragraph 4 of the Notice and therefore denies them.

5. J.I.A. has insufficient knowledge or information as to the truth of the allegations in Paragraph 5 of the Notice and therefore denies them.

6. J.I.A. admits the allegations of Paragraph 6 of the Notice.

7. J.I.A. denies the allegations of Paragraph 7 of the Notice. J.I.A. further avers that Jeffrey Abel became aware of the existence of a product called a Snuffit at some time during his employment with Opposer but was unaware that a trademark existed in connection with said product.

8. J.I.A. admits the allegations of Paragraph 8 of the Notice.

9. J.I.A. admits the allegations of Paragraph 9 of the Notice.

10. J.I.A. admits that on June 18, 2007, it filed U.S. Application Serial No. 77/208,918 for registration of the SNUFFIT mark for use in connection with “ashtrays and cigarette extinguishers” in International Class 34 and that the mark was published in the Official Gazette (Trademarks) of the United States Patent and Trademark Office on March 24, 2009. J.I.A. denies the remainder of the allegations in Paragraph 10 of the Notice.

11. J.I.A. has insufficient knowledge or information as to the truth of the allegations in Paragraph 11 of the Notice and therefore denies them.

12. J.I.A. has insufficient knowledge or information as to the truth of the allegations in Paragraph 12 of the Notice and therefore denies them. In particular, has

insufficient knowledge or information as to the specific characteristics of Opposer's goods.

13. J.I.A. has insufficient knowledge or information as to the truth of the allegations in Paragraph 13 of the Notice and therefore denies them.

14. J.I.A. has insufficient knowledge or information as to the truth of the allegations in Paragraph 14 of the Notice and therefore denies them.

15. J.I.A. has insufficient knowledge or information as to the truth of the allegations in Paragraph 15 of the Notice and therefore denies them.

J.I.A. reserves the right to amend its Answer to assert any and all affirmative defenses as may be supported by the facts to be determined through full and complete discovery and to amend its Answer to assert such affirmative defenses.

WHEREFORE, J.I.A. denies that Opposer is entitled to the relief which it seeks and J.I.A. affirmatively asserts that it is entitled to a registration of its SNUFFIT mark on the Principle Register of the United States Patent and Trademark Office. Therefore, J.I.A. requests:

- (1) the dismissal of Opposer's Opposition No. 91191146 with prejudice; and
- (2) that J.I.A. be rewarded such other and further relief as the Trademark Trial and Appeal Board deems proper.

Date: August 31, 2009

Respectfully submitted,

By: /Zachary W. Hilton/
David W. Carstens
Texas State Bar No. 03906900
Zachary W. Hilton
Texas State Bar No. 24036780
CARSTENS & CAHOON, L.L.P.
13760 Noel Road, Suite 900
Dallas, Texas 75240
972.367.2001 (*Telephone*)
972.367.2002 (*Facsimile*)

**ATTORNEYS FOR
APPLICANT J.I.A., INC.**

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing document has been served on the following individuals via certified mail, on this the 31st day of August, 2009:

Attorneys for Opposer

Jeffrey R. Gargano
Monique A. Morneault
McDermott Will & Emery LLP
227 West Monroe Street
Chicago, Illinois 60606

/Zachary W. Hilton/
Zachary W. Hilton