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Filing date: **09/18/2009**

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

Proceeding	91191464
Party	Defendant C.D.B. APPAREL, INC.
Correspondence Address	EZRA SUTTON Ezra Sutton P.A. 900 Route 9 North Plaza 9 Building Woodbridge, NJ 07095 UNITED STATES
Submission	Answer
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Signature	/JS/
Date	09/18/2009
Attachments	Answr to Opp 9-18-09.pdf ( 4 pages )(622482 bytes )

CDB 10.2-001

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

In the Matter of Application Serial No. 76/693,027

Filed: September 22, 2008

Published on: April 14, 2009

Mark: **SONS OF ANARCHY - Class 025**

Twentieth Century Fox Film Corporation :  
Opposer, :  
v. : Opposition No. 91/191,464  
C.D.B. Apparel, Inc. :  
Applicant. :

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Hon. Commissioner for Trademarks  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**ANSWER TO NOTICE OF OPPOSITION**

Sir\Madam:

Applicant, C.D.B. Apparel, Inc., through its attorneys, answers the Notice of Opposition, as follows:

1) Applicant does not have sufficient information to admit or deny the allegations of paragraphs 3, 4, 5, and 6, and leaves Opposer to its proofs.

2) Applicant admits to the allegations in paragraphs 1, 2, 8, 9, 10 and 11, of the Notice of Opposition.

3) Applicant denies the allegations in paragraphs 7, 12, 13, 14, 15, 16, 17, 18,19 and 20.

### AFFIRMATIVE DEFENSES

4) Opposer's allegations are barred by laches, acquiescence, and estoppel.

5) Applicant's mark would not dilute Opposer's mark **SONS OF ANARCHY**.

6) Opposer does not have senior rights to the mark **SONS OF ANARCHY** in the clothing class (international class 25).

7) Whatever rights Opposer may have in the clothing class would not conflict or cause a likelihood of confusion as to source with respect to Applicant's intended clothing goods, since the clothing goods of Opposer are sufficiently different than the intended clothing products of Applicant.


8) Applicant's channels of trade are distinguishable from Opposer's channels of trade, such that it would serve to dispel any likelihood of confusion as to source.

9) Opposer cannot establish that it has a famous mark, especially since its mark was not even adopted until approximately one year ago.

10) Opposer does not satisfy the requirements for establishing dilution of a famous mark set forth in the U.S. Supreme Court decision in Moseley v. V. Secret Catalogue et al. 537 U.S. 418(2003).

Respectfully submitted,

**EZRA SUTTON, P.A.**  
Attorneys for Applicant

By:   
JOSEPH SUTTON, Esq.  
Attorney of Record

Dated: September 18, 2009

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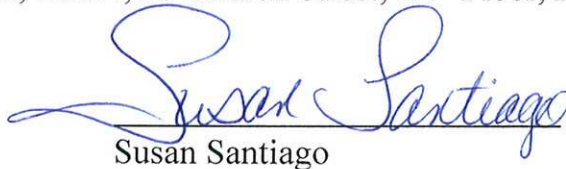
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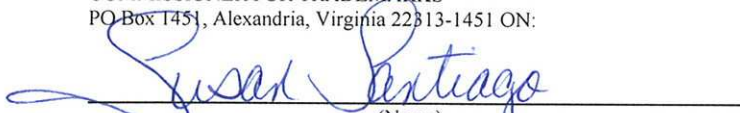
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**CERTIFICATE OF SERVICE**

I, SUSAN SANTIAGO, certify that Applicant's **ANSWER TO NOTICE OF OPPOSITION** was served by email ([dbruso@cantorcolburn.com](mailto:dbruso@cantorcolburn.com)) and first-class, postage prepaid mail on this 18<sup>th</sup> day of September, 2009 upon the attorneys for the Opposer, namely, Daniel Brusco, of Cantor Colburn, L.L.P., 20 Church Street, 22<sup>nd</sup> Floor, Hartford, Connecticut 06103-3207.

  
Susan Santiago

I HEREBY CERTIFY THAT THIS CORRESPONDENCE IS BEING  
DEPOSITED WITH THE UNITED STATES POSTAL SERVICE  
AS FIRST-CLASS MAIL IN AN ENVELOPE ADDRESSED TO:  
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\_\_\_\_\_  
(Name)  
September 18, 2009  
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(Date)