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Filing date: **09/28/2009**

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

| | |
|------------------------|--|
| Proceeding | 91191558 |
| Party | Defendant Shaun Juan LLC |
| Correspondence Address | Anthony M. Verna III Weiss Imbesi, PLLC 462 Seventh Avenue, 12th FL New York, NY 10017 UNITED STATES sylviadolena@yahoo.com |
| Submission | Other Motions/Papers |
| Filer's Name | Anthony M. Verna III |
| Filer's e-mail | law@nyctrademarks.com |
| Signature | /s Anthony M. Verna III s/ |
| Date | 09/28/2009 |
| Attachments | answer for SHAUN JUAN opposition.pdf (9 pages)(216601 bytes) |

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

Serial No. 77597509

| | | |
|--|---|-------------------------|
| Christian Casey L.L.C. d/b/a Sean John | : | Opposition No. 91191558 |
| | : | |
| Plaintiff, | : | |
| | : | |
| v. | : | |
| | : | |
| Shaun Juan LLC | : | |
| | : | |
| Applicant | : | |
| | : | |
| | : | |

ANSWER

Shaun Juan LLC (“Applicant”) by its attorney, Anthony M. Verna III, Esq., hereby answers the Notice of Opposition pending filed by SeanCombs, Christian Casey L.L.C. d/b/a Sean John as follows (please note that when letters are used, this is to specify each sentence used in the Notice of Opposition):

FACTS COMMON TO ALL CLAIMS

1. Applicant admits this statement.
2. A) Applicant does not have sufficient knowledge to admit or deny this statement. B) Applicant does not have sufficient knowledge to admit or deny this statement. C) Applicant admits this statement.
3. Applicant admits all statements.
4. Applicant admits all statements.
5. Applicant admits all statements.
6. Applicant admits all statements.
7. Applicant admits this statement.
8. Applicant denies this statement.

COUNT ONE

9. Applicant repeats all statements to admit or deny set forth in statements 1-8.
10. A) Applicant denies this statement. B) Applicant denies this statement. C) Applicant denies this statement. D) Applicant admits this statement. E) Applicant denies this statement. F) Applicant denies this statement.
11. Applicant denies all statements.

COUNT TWO

12. Applicant repeats all statements to admit or deny set forth in statements 1-11.
13. A) Applicant denies this statement. B) Applicant denies this statement. C) Applicant denies this statement. D) Applicant admits this statement. E) Applicant denies this statement. F) Applicant denies this statement.
14. Applicant denies all statements.

COUNT THREE

15. Applicant repeats all statements to admit or deny set forth in statements 1-15.
16. Applicant denies all statements.

COUNT FOUR

17. Applicant repeats all statements to admit or deny set forth in statements 1-16.
18. Applicant denies this statement.
19. Applicant denies all statements.
20. Applicant denies all statements.

APPLICANT'S APPLICATION WILL NOT CAUSE CONFUSION

1. Applicant's application for SHAUN JUAN is in a different goods/services classification than Plaintiff's.

2. Plaintiff has a scheme that shows that Plaintiff has a mark for clothing – SEAN JOHN.
3. Plaintiff is really Christian Casey, LLC, as “Last Listed Owner” in Registration Numbers 3030001, 3419686, 3160971, 3164179, 3342213, 2466699, 2409545, and 2778092.
4. None of the above registered trademarks have goods and services that are in the music industry.
5. Plaintiff has a scheme that shows that someone other than the Plaintiff has a series of marks whose goods and services are in the music industry.
6. Plaintiff never intended for its clothing mark and its music mark to represent other goods and services outside what is classified in the trademark registrations.
7. Plaintiff has no trademarks in music.
8. Plaintiff and Sean Combs are different entities.
9. Plaintiff is NOT Sean Combs.
10. Sean Combs himself, not the Plaintiff, has trademarks in music. See Exhibit A.
11. If Sean Combs himself wanted the trademark SEAN JOHN to encompass music, Sean Combs himself would have crossed that boundary with a registered trademark.
12. Sean Combs’ trademarks in the music industry are extremely different than those of the Plaintiff. See Exhibit A.

13. The spelling differences between SEAN JOHN and the Applicant's SHAUN JUAN are obvious.
14. The pronunciation differences between SEAN JOHN and the Applicant's SHAUN JUAN are obvious.
15. By the foregoing, Plaintiff is incorrect with its belief that there will be a likelihood of confusion between the SEAN JOHN trademark for clothing and the Applicant's trademark for music services, SHAUN JUAN.

Dated: September 28, 2009

/s Anthony M. Verna III

Anthony M. Verna III
Weiss Imbesi, PLLC
462 Seventh Avenue, 12th Floor
New York, NY 10018
law@nyctrademarks.com
Attorney for Applicant
Shaun Juan LLC

EXHIBIT A

The Plaintiff tries to combine the Plaintiff's marks, all of which are SEAN JOHN, with the marks of the previous owner of the marks, who is Sean Combs. In reality, Registration Numbers 3030001, 3419686, 3160971, 3164179, 3342213, 2466699, 2409545, and 2778092 were all transferred from Sean Combs to the Plaintiff, showing that Sean Combs himself has no more interest in SEAN JOHN as a trademark.

Sean Combs himself has radically different trademarks – which contain some form of PUFF DADDY, PUFFY, or DIDDY. The following shows that:

| | |
|---------------------------------|---|
| Word Mark | PUFF DADDY & THE FAMILY |
| Goods and Services | IC 009. US 021 023 026 036 038. G & S: series of musical sound recordings. FIRST USE: 19970000. FIRST USE IN COMMERCE: 19970000 |
| | IC 025. US 022 039. G & S: T-shirts, shirts, headwear. FIRST USE: 19970000. FIRST USE IN COMMERCE: 19970000 |
| | IC 041. US 100 101 107. G & S: Providing a website of information about entertainment and recording artists. FIRST USE: 20050900. FIRST USE IN COMMERCE: 20050900 |
| Mark Drawing Code | (1) TYPED DRAWING |
| Serial Number | 75330990 |
| Filing Date | July 25, 1997 |
| Current Filing Basis | 1A |
| Original Filing Basis | 1B |
| Published for Opposition | February 9, 1999 |
| Registration Number | 3218343 |
| Registration Date | March 13, 2007 |
| Owner | (REGISTRANT) Combs, Sean Puffy INDIVIDUAL UNITED STATES 8-10 West 19th Street, 9th Floor New York NEW YORK 10011 |
| Attorney of Record | LAWRENCE E APOLZON |
| Type of Mark | TRADEMARK. SERVICE MARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

Word Mark PUFF DADDY
Goods and Services IC 016. US 002 005 022 023 029 037 038 050. G & S: Posters. FIRST USE: 19970000. FIRST USE IN COMMERCE: 19970000
 IC 025. US 022 039. G & S: T-shirts, jackets excluding padded jackets, sweatshirts, and headwear. FIRST USE: 19970000. FIRST USE IN COMMERCE: 19970000
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75330989
Filing Date July 25, 1997
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition February 9, 1999
Registration Number 3036055
Registration Date December 27, 2005
Owner (REGISTRANT) **Combs, Sean** Puffy INDIVIDUAL UNITED STATES 1710 Broadway c/o Bad Boy Entertainment, Inc. New York NEW YORK 10019
Attorney of Record LAWRENCE E APOLZON
Type of Mark Register TRADEMARK PRINCIPAL
Live/Dead Indicator LIVE

Word Mark PUFF DADDY
Goods and Services IC 009. US 021 023 026 036 038. G & S: Musical sound recordings. FIRST USE: 19920000. FIRST USE IN COMMERCE: 19920000
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75484940
Filing Date May 14, 1998
Current Filing Basis 1A
Original Filing Basis 1A
Published for Opposition May 11, 1999
Registration Number 2266899

Registration Date August 3, 1999
Owner (REGISTRANT) **Combs, Sean** Puffy INDIVIDUAL UNITED STATES 1710 Broadway c/o Bad Boy Entertainment, Inc. New York NEW YORK 10019
Attorney of Record LAWRENCE E APOLZON
Type of Mark TRADEMARK
Register PRINCIPAL
Affidavit Text SECT 15. SECT 8 (6-YR).
Other Data The mark identifies "SEAN PUFFY COMBS" whose consent is of record.
Live/Dead Indicator LIVE

Word Mark PUFFY
Goods and Services IC 041. US 100 101 107. G & S: Providing a web site of information about entertainment, recording artists. FIRST USE: 20050900. FIRST USE IN COMMERCE: 20050900
Mark Drawing Code (1) TYPED DRAWING
Serial Number 75554957
Filing Date September 17, 1998
Current Filing Basis 1A
Original Filing Basis 1B
Published for Opposition January 4, 2000
Registration Number 3218344
Registration Date March 13, 2007
Owner (REGISTRANT) **Combs, Sean** Puffy INDIVIDUAL UNITED STATES c/o Bad Boy Entertainment 1710 Broadway New York NEW YORK 10019
Attorney of Record LAWRENCE E APOLZON
Type of Mark SERVICE MARK
Register PRINCIPAL
Other Data The mark identifies a particular living individual whose consent is of record.
Live/Dead Indicator LIVE

Word Mark P.DIDDY
Goods and Services IC 009. US 021 023 026 036 038. G & S: musical sound recordings; video recordings featuring music and musical based entertainment; downloadable musical sound recordings. FIRST USE: 20010710. FIRST USE IN COMMERCE: 20010710
IC 016. US 002 005 022 023 029 037 038 050. G & S: posters. FIRST USE: 20020000. FIRST

USE IN COMMERCE: 20020000

IC 025. US 022 039. G & S: t-shirts. FIRST USE: 20010000. FIRST USE IN COMMERCE: 20010000

IC 038. US 100 101 104. G & S: streaming of audio and visual recordings featuring music and musical based entertainment over a global computer network. FIRST USE: 20030000. FIRST USE IN COMMERCE: 20030000

IC 041. US 100 101 107. G & S: entertainment services, namely live musical performances; providing a website on a global computer network featuring information on entertainment, a musical performer and producer and his musical performances, biography, productions, sound and video recordings, appearances, concerts, other recording artists, and the like. FIRST USE: 20010000. FIRST USE IN COMMERCE: 20010000

IC 042. US 100 101. G & S: providing a web site of information about fashion and popular culture. FIRST USE: 20010000. FIRST USE IN COMMERCE: 20010000

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|---------------------------------|--|
| Mark Drawing Code | (1) TYPED DRAWING |
| Serial Number | 76268455 |
| Filing Date | June 6, 2001 |
| Current Filing Basis | 1A |
| Original Filing Basis | 1B |
| Published for Opposition | November 19, 2002 |
| Registration Number | 3109611 |
| Registration Date | June 27, 2006 |
| Owner | (REGISTRANT) Combs, Sean Puffy INDIVIDUAL UNITED STATES c/o Bad Boy Entertainment 1540 Broadway, 30th Fl. New York NEW YORK 10036 |
| Attorney of Record | Lawrence E. Apolzon |
| Type of Mark | TRADEMARK. SERVICE MARK |
| Register | PRINCIPAL |
| Live/Dead Indicator | LIVE |

Anthony M. Verna III, Esq.
Weiss Imbesi, PLLC
462 Seventh Avenue, 12th Floor
New York, NY 10018

IN THE TRADEMARK TRIAL AND APPEAL BOARD

| | | |
|--|---|--------------------------|
| Christian Casey L.L.C. d/b/a Sean John |) | Opposition No.: 91191558 |
| |) | |
| Plaintiff, |) | September 29, 2009 |
| |) | |
| vs. |) | |
| |) | |
| Shaun Juan LLC |) | |
| |) | |
| Defendant, |) | |
| |) | |

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 29th day of September, 2009, a copy of the foregoing Answer was served via Express Mail, postage prepaid, on the following:

Robert A. Becker
Fross Zelnick Lehrman & Zissu, PC
866 United Nations Plaza
New York, NY 10017

Respectfully submitted,

Dated this September 29, 2009

/s/ Anthony M. Verna III
Anthony M. Verna III, Esq.
Weiss Imbesi, PLLC
462 Seventh Avenue, 12th Floor
New York, NY 10018