

ESTTA Tracking number: **ESTTA335908**

Filing date: **03/05/2010**

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

Proceeding	91193709
Party	Defendant Hudson, Jennifer
Correspondence Address	William Abrams Abrams Garfinkel Margolis Bergson, LLP 5900 Wilshire Boulevard, Suite 2250 Los Angeles, CA 90036 nameri@agmblaw.com
Submission	Answer
Filer's Name	Nina Ameri
Filer's e-mail	nameri@agmblaw.com
Signature	/Nina Ameri/
Date	03/05/2010
Attachments	Answer to Opposition.pdf (3 pages)(61150 bytes)

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

Hudson Clothing, LLC,

Opposer,

v.

JENNIFER HUDSON

Applicant.

Opposition No. 91193709

Mark: JENNIFER HUDSON

Serial No. 77/623,744

APPLICANT'S ANSWER AND AFFIRMATIVE DEFENSES
TO THE NOTICE OF OPPOSITION

Applicant Jennifer Hudson hereby answers the Notice of Opposition as follows:

1. Applicant admits that it is an individual located in Los Angeles, California.
2. Applicant is without sufficient information to admit or deny what it is that Opposer believes, as set forth in Paragraph 9, but denies that the Patent and Trademark Office must find the marks at issue confusingly similar, likely to cause confusion or mistake. Applicant admits that Opposer is requesting Opposition of the Applicant's mark, but denies that there is any such thing, and therefore asks that the Notice for Opposition be dismissed with prejudice.
3. Applicant is without knowledge or information sufficient to admit or deny what it is that Opposer believes, as set forth in Paragraph 10, but denies that Applicant's mark interferes with Opposer's marks and damages Opposer, its business, or its goodwill.

Applicant admits that its mark was published and that Opposer files this Opposition thereto. Applicant denies that there can be an Opposition of its mark as set forth in Paragraph 10.

4. Applicant denies any and all allegations not expressly admitted.

APPLICANT'S AFFIRMATIVE DEFENSES

1. Opposer has failed to state a claim upon which relief can be granted.
2. Applicant's mark is not confusingly or deceptively similar to Opposer's mark.
3. The goods identified in the subject application are not similar nor related to the goods identified in Opposer's registration.
4. Since Applicant's mark and Applicant's goods are not similar to Opposer's marks or Opposer's goods, there is no likelihood of confusion in the marketplace as to the source of Opposer's and Applicant's goods.
5. Since Applicant's mark and Applicant's goods are not similar to Opposer's marks of Opposer's goods, Applicant's use and registration of its mark will not cause damage to Opposer.
6. Consumers are not likely to believe that Applicant or its goods are endorsed, affiliated, sponsored or approved by Opposer.
7. Opposer's mark was not famous prior to the filing date of the subject application.
8. Applicant's mark will not dilute Opposer's mark.

Dated: March 5, 2010



Nina Ameri, Esq.
Michael J. Weiss, Esq.
ABRAMS GARFINKEL MARGOLIS BERGSON, LLP
5900 Wilshire Boulevard, Suite 2250
Los Angeles, CA 90036
Attorneys for Applicant

CERTIFICATE OF SERVICE

Opposition No. 91193709

I hereby certify that a true and correct copy of the foregoing APPLICANT'S ANSWER AND AFFIRMATIVE DEFENSE TO THE NOTICE OF OPPOSITION was served upon Opposer by mailing the same with the United States Postal Service with sufficient postage as first-class mail in an envelope addressed to John J. Dabney, Rita Weeks, McDermott Will & Emery LLP 600 13th Street, N.W. Washington, D.C. 20005-3096 attorney for Applicant, this 5th day of March, 2010.

March 5, 2010

A handwritten signature in black ink, appearing to read 'Nina Ameri', written over a horizontal line.

Nina Ameri, Esq.