

ESTTA Tracking number: **ESTTA354983**

Filing date: **06/25/2010**

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

Proceeding	91194934
Party	Defendant Kaufman, Nicholas John
Correspondence Address	JEFFREY W. WEAVER DUNLAP, GRUBBB & WEAVER, PLLC 199 LIBERTY ST SW LEESBURG, VA 20175-2715  ip@dglegal.com
Submission	Answer
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Date	06/25/2010
Attachments	Answer.pdf ( 3 pages )(10616 bytes )

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

Alan R. KARALIAN, )  
 )  
 Opposer/Plaintiff, )  
 )  
 v. ) Opposition No. 91194934  
 )  
 Nicholas J. KAUFMAN, )  
 )  
 Applicant/Defendant. )

**ANSWER**

Nicholas J. Kaufman (the “Defendant”) hereby files this Answer and responds as follows to the allegations in the correspondingly numbered paragraphs of the Notice of Opposition (the “Complaint”) filed by Plaintiff Alan R. Karalian:

1. Defendant admits the allegations in Paragraph 1 of the Complaint.
2. Defendant lacks information sufficient to form a belief as to the allegations in Paragraph 2 of the Complaint.
3. Defendant lacks information sufficient to form a belief as to the allegations in Paragraph 3 of the Complaint.
4. Defendant denies the allegations in Paragraph 4 of the Complaint.
5. Defendant denies the allegations in Paragraph 5 of the Complaint.

**First Affirmative Defense**

*Non-Infringement*

The Defendant’s use of the mark is not likely to cause confusion, mistake, or deception as to origin, sponsorship, or approval.

Second Affirmative Defense

*Non-Dilution*

The Plaintiff's mark is not famous and the Defendant's use of the mark does not cause dilution of the distinctiveness of the Plaintiff's mark.

Third Affirmative Defense

*Other Affirmative Defenses Based on Later Discovered Evidence*

The Defendant reserves all affirmative defenses at law or in equity that may now exist or in the future be available based on discovery and further factual investigation in this case.

WHEREFORE, having fully answered the Complaint, Defendant requests that the Complaint be dismissed with prejudice and demands that the relief prayed for therein be denied and that judgment be entered in Defendant's favor. Defendant further request that the Court award such other, further and different relief as the Court may deem just and proper.

This 25th Day of June.

Respectfully Submitted,  
Nicholas J. KAUFMAN,

By Counsel,

\_\_\_\_\_/Geoffrey M. Dureska/  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 25, 2010, a true and complete copy of the foregoing  
Answer was served via ESTTA, electronic mail, and First Class mail, postage prepaid to:

Ajay Kwatra  
The Law Offices of Ajay Kwatra  
1775 Diamond St., Suite 1-226  
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ajaykwatra@aol.com

/Geoffrey M. Dureska/  
Geoffrey M. Dureska