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

|                           |  |
|---------------------------|--|
| Proceeding                | 91196928   |
| Party                     | Defendant<br>Maruman & Co., Ltd.   |
| Correspondence<br>Address | ANDREW H. SIMPSON<br>KNOBBE, MARTENS, OLSON & BEAR, LLP<br>2040 MAIN STREET, 14TH FLOOR<br>IRVINE, CA 92614<br>UNITED STATES<br>efiling@kmob.com |
| Submission                | Answer   |
| Filer's Name              | Andrew H. Simpson  |
| Filer's e-mail            | efiling@kmob.com   |
| Signature                 | /Andrew H. Simpson/  |
| Date                      | 11/22/2010   |
| Attachments               | 002zus.pdf ( 4 pages )(106909 bytes )  |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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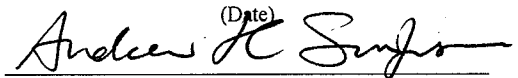
Kirstin E. Hitchcock,  
  
Opposer,  
  
v.  
  
Maruman & Co., Ltd.,  
  
Applicant.

Opposition No. 91196928

I hereby certify that this correspondence and all marked attachments are being deposited with the United States Patent and Trademark Office, Trademark Trial and Appeal Board via electronic filing through their website located at <http://esta.uspto.gov/> on:

November 22, 2010

(Date)



Andrew H. Simpson

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

Assistant Commissioner for Trademarks  
P.O. Box 1451  
Arlington, VA 22313-1451

Dear Sir:

Applicant, Maruman & Co., Ltd. ("Applicant"), a Japanese corporation, having an address at 1-15-10, Uchikanda Chiyoad-ku, Tokyo 101-0047, hereby answers the Notice of Opposition filed by Kirstin E. Hitchcock ("Opposer") against registration of Applicant's mark MJ and Design Application Serial Number 79/074865, as follows:

1. Answering Paragraph 1 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and accordingly denies the allegations.

2. Answering Paragraph 2 of the Notice of Opposition, Applicant denies the allegations contained therein.

3. Answering Paragraph 3 of the Notice of Opposition, as to “Applicant’s use and registration of its trademark to identify its goods/services is likely to cause confusion and lead to deception as to the source of origin and/or the sponsorship of Applicant’s services and/or Opposer’s services and/or merchandise,” Applicant denies the allegations contained therein, as to “As an additional factor of confusion, Applicant’s trade name for goods/services is ‘Majesty’ and Opposer’s trade name is ‘M’Jestic’,” Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained therein, and accordingly denies the allegations.

4. Answering Paragraph 4 of the Notice of Opposition, Applicant denies the allegations contained therein.

#### **AFFIRMATIVE DEFENSES**

Maruman alleges the following affirmative defenses.

11. Opposer’s Notice of Opposition fails to state a claim for which relief can be granted.

12. Opposer’s alleged prime facie rights based on its registration are limited to the specific services listed in such registration and do not extend to any of the goods listed in Application’s application.

13. Opposer’s rights to use its alleged mark is limited to the services in connection with which the mark has actually been used and only in the channels of commerce in which it is used.

14. Opposer’s alleged mark has no fame or distinctive association in the minds of the consuming public with Opposer and is not widely recognized by the general consuming public of the United States as a designation of Opposer’s services.

15. Opposer operates in a niche market and dilution under the Lanham Act does not apply in niche markets.

WHEREFORE, Applicant prays that the Opposer's Notice of Opposition be dismissed in its entirety. Please charge Deposit Account No. 11-1410 for any fees which may be required, or credit any overpayment to this account.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: November 22, 2010

By: \_\_\_\_\_

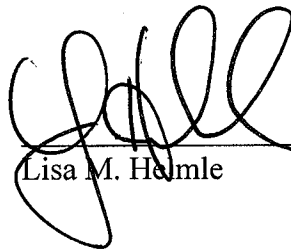


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Fourteenth Floor  
Irvine, CA 92614  
Attorneys for Opposer,  
Maruman & Co., Ltd.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing Answer to APPLICANT'S ANSWER TO NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES upon Opposer by depositing one copy thereof in the United States Mail, first-class postage prepaid, on November 22, 2010, addressed as follows:

Kirstin E. Hitchcock  
753 Harbor Springs Trail  
Virginia Beach, VA 23462



Lisa M. Hemle

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