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

Proceeding	91197660
Party	Defendant The Vermont Teddy Bear Company, Inc.
Correspondence Address	H. JAY SPIEGEL H. JAY SPIEGEL & ASSOCIATES PO BOX 11 MOUNT VERNON, VA 22121-0011 jayspiegel@aol.com
Submission	Answer
Filer's Name	H. Jay Spiegel
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Date	01/10/2011
Attachments	pajamajack.vtb.answer.pdf (4 pages)(43504 bytes)

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

PANAMA JACK INTERNATIONAL, INC.,)	
)	
Opposer,)	Opposition No. 91197660
)	
v.)	Serial No. 77/959,640
)	
THE VERMONT TEDDY BEAR COMPANY,)	
INC.)	
)	Mark: PAJAMA JACK
Applicant.)	
)	
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ANSWER

COMES NOW Applicant, THE VERMONT TEDDY BEAR COMPANY, INC. (Applicant), and hereby answers the Notice of Opposition filed in the above-captioned matter as follows:

1. Applicant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph 1 of the Notice of Opposition, and therefore denies same.

2. Applicant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph 2 of the Notice of Opposition, and therefore denies same.

3. Applicant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph 3 of the Notice of Opposition, and therefore denies same.

4. Applicant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph 4 of the Notice of Opposition, and therefore denies same.

5. Applicant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph 5 of the Notice of Opposition, and therefore denies same.

6. Admitted.

7. Denied.

8. Denied.

9. Applicant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph 9 of the Notice of Opposition, and therefore denies same.

10. Applicant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations set forth in paragraph 10 of the Notice of Opposition, and therefore denies same.

11. Denied.

12. Applicant admits that if it is granted registration for the mark "PAJAMA JACK" covering the goods listed in the application as published for opposition, it would acquire at least a *prima facie* exclusive right to use the mark "PAJAMA JACK" in association with those goods. Applicant denies the remaining allegations set forth in paragraph 12 of the Notice of Opposition.

13. Applicant respectfully requests that the subject Opposition be denied and that a Notice of Allowance be issued for Applicant's application Serial No. 77/959,640.

AFFIRMATIVE DEFENSES

Furthering answering the Notice of Opposition, Applicant states:

14. The Notice of Opposition fails to state a claim upon which relief can be granted.

15. Applicant reserves the right to supplement this affirmative defense with other affirmative defenses that become evident during the course of the Opposition proceeding.

WHEREFORE, Applicant respectfully requests that the Opposition be denied, that judgment be entered in favor of Applicant dismissing the Opposition Proceeding with prejudice, and that application Serial No. 77/959,640 be promptly allowed.

Respectfully submitted,

THE VERMONT TEDDY BEAR
COMPANY, INC.

H. Jay Spiegel

By H. Jay Spiegel
Attorney for Applicant
Registration No. 30,722

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER AND AFFIRMATIVE DEFENSES was served on the Opposer's Counsel by First Class Mail this 10th day of January, 2011, addressed to:

Bridget Heffernan Labutta, Esquire
Allen, Dyer, Doppelt, Milbrath & Gilchrist, P.A.
255 South Orange Avenue
Suite 1401
Orlando, FL 32801.

Date: January 10, 2011

By: H. Jay Spiegel
H. Jay Spiegel