

ESTTA Tracking number: **ESTTA398795**

Filing date: **03/18/2011**

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

Proceeding	91198555
Party	Defendant The United States Playing Card Company
Correspondence Address	SETH M BLUM JARDEN CORPORATION 2381 EXECUTIVE CENTER DRIVE BOCA RATON, FL 33431 UNITED STATES
Submission	Answer
Filer's Name	Stuart R. Dunwoody
Filer's e-mail	stuardunwoody@dwt.com, mayayamazaki@dwt.com
Signature	/Stuart R. Dunwoody/
Date	03/18/2011
Attachments	Answer_91198555.pdf ( 5 pages )(23932 bytes )

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

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

ANGEL PLAYING CARDS CO., LTD., )  
 )  
Opposer, ) Opposition No. 91198555  
 )  
v. )  
 )  
UNITED STATES PLAYING CARD )  
COMPANY, )  
 )  
Applicant. )

**APPLICANT’S ANSWER TO NOTICE OF OPPOSITION**

Applicant United States Playing Cards Company answers the Notice of Opposition filed by Opposer Angel Playing Cards Co., Ltd. as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Notice of Opposition, and therefore denies them.
2. Applicant admits, on information and belief, the allegations of Paragraph 2 of the Notice of Opposition.
3. Applicant admits the allegations of Paragraph 3 of the Notice of Opposition.
4. Applicant admits the allegations of Paragraph 4 of the Notice of Opposition.
5. Applicant denies that the difference between the design of Reg. No. 48,763 and the design of U.S. Trademark Application Serial No. 77/967,704 is a “major difference,” asserts that the difference is not a material one, and admits the remaining allegations of Paragraph 5 of the Notice of Opposition.

1           6.       Applicant admits the allegations of Paragraph 6 of the Notice of Opposition.

2           7.       Applicant admits that it filed U.S. Trademark Application Serial No. 77/967,704  
3 after Angel asserted a cancellation counterclaim in Oppositions Nos. 91193297 and 91193298,  
4 and denies the remaining allegations of Paragraph 7 of the Notice of Opposition.

5           8.       Applicant admits that it filed a motion for summary judgment in Consolidated  
6 Opposition No. 91190319.

7           9.       Applicant admits the allegations of Paragraph 9 of the Notice of Opposition.

8           10.      Paragraph 10 of the Notice of Opposition states a legal conclusion to which no  
9 answer is required. To the extent that Paragraph 10 contains factual allegations that  
10 mischaracterize the content of motion for summary judgment in Consolidated Opposition No.  
11 91190319, those allegations are denied.

12          11.      Applicant denies the allegations of Paragraph 11 of the Notice of Opposition.

13          12.      Applicant denies the allegations of Paragraph 12 of the Notice of Opposition.

14          13.      Applicant denies the allegations of Paragraph 13 of the Notice of Opposition.

15          14.      Applicant denies the allegations of Paragraph 14 of the Notice of Opposition.

16          15.      Applicant denies the first sentence of Paragraph 15 of the Notice of Opposition.  
17 Answering the second sentence of Paragraph 15 of the Notice of Opposition admits that on  
18 June 24, 2010 the Examining Attorney issued an Office Action on U.S. Trademark Application  
19 Serial No. 77/967,704, and that Applicant subsequently responded to the Office Action. The  
20 contents of that Office Action and of Applicant's response speak for themselves and require no  
21 answer. To the extent the allegations of Paragraph 15 of the Notice of Opposition  
22 mischaracterize the contents of the Office Action or of Applicant's response to it, they are  
23 denied.

24          16.      Applicant admits that its response to the Office Action is dated December 7, 2010  
25 to the Office Action. The contents of that response speak for themselves and require no answer.  
26 To the extent the allegations of Paragraph 16 of the Notice of Opposition mischaracterize the  
27 contents of the response, they are denied.

1           17.     The contents of Applicant's response dated December 7, 2010 to the Office  
2 Action on speak for themselves and require no answer. To the extent the allegations of  
3 Paragraph 17 of the Notice of Opposition mischaracterize the contents of the response, or  
4 suggest that Applicant did not submit sufficient evidence, they are denied.

5           18.     Applicant denies the allegations of Paragraph 18 of the Notice of Opposition.

6           19.     The contents of Applicant's response dated December 7, 2010 to the Office  
7 Action on speak for themselves and require no answer. To the extent the allegations of  
8 Paragraph 19 of the Notice of Opposition mischaracterize the contents of the response, or  
9 suggest that Applicant failed to comply with a requirement to supply the Examining Attorney  
10 with information, they are denied.

11          20.     Applicant denies the allegations of Paragraph 20 of the Notice of Opposition.

12          21.     Applicant denies the allegations of Paragraph 21 of the Notice of Opposition.

13          22.     Applicant denies the allegations of Paragraph 22 of the Notice of Opposition.

14          23.     Applicant denies the allegations of Paragraph 23 of the Notice of Opposition.

15           WHEREFORE, Applicant prays that the Opposition be dismissed and that the Application to  
16 register Serial No. 77/967,704 be allowed.

1 RESPECTFULLY SUBMITTED this 18<sup>th</sup> day of March, 2011.

2 Davis Wright Tremaine LLP  
3 Attorneys for Applicant The United States Playing  
4 Card Company

5 By s/Stuart R. Dunwoody

6 Stuart R. Dunwoody

7 WSBA No. 13948

8 Maya Yamazaki

9 WSBA No. 41955

10 Suite 2200

11 1201 Third Avenue

12 Seattle, WA 98101-3045

13 Tel: (206) 757-8034

14 Fax: (206) 757-7034

15 Email: stuardunwoody@dwt.com

16 Email: mayayamazaki@dwt.com

1  
2  
3  
4  
5  
6  
7  
8  
9  
10  
11  
12  
13  
14  
15  
16  
17  
18  
19  
20  
21  
22  
23  
24  
25  
26  
27

**CERTIFICATE OF FILING**

I hereby certify that this REPLY TO NOTICE OF OPPOSITION in Opposition No. 91198555 for the marks shown by the drawings submitted in Application Serial No. 77/967,704 is being filed with the Trademark Trial and Appeal Board using the ESTTA filing system of the U.S. Patent and Trademark Office on the below date.

Date: March 18, 2011 s/Stuart R. Dunwoody

**CERTIFICATE OF SERVICE**

I hereby certify that this REPLY TO NOTICE OF OPPOSITION in Opposition No. 91198555 for the marks shown by the drawings submitted in Application Serial No. 77/967,704 is being duly served upon counsel for Opposer by mailing a copy thereof via the U.S. Postal Service in a sealed envelope as first class mail with postage thereupon fully prepaid and addressed to:

Anthony Lo Cicero  
Holly Pekowsky  
Amster Rothstein & Ebenstein LLP  
90 Park Ave Floor 21  
New York, NY 10016

Date: March 18, 2011

s/Maureen Larican  
Maureen Larican

Davis Wright Tremaine LLP  
Suite 2200  
1201 Third Avenue  
Seattle, WA 98101-3045  
Tel: (206) 757-8538  
Fax: (206) 757-7700  
Email: maureenlarican@dwt.com