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

Proceeding	91199478
Party	Defendant Genki Media LLC
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application Serial No. 85037161
Filed May 12, 2010
For the mark ARTJAMZ
Published in the *Official Gazette* on October 19, 2010

Meli-Melo Limited,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91199478
)	
GENKI MEDIA LLC,)	
)	
Applicant.)	
)	

ANSWER TO NOTICE OF OPPOSITION

The following is the Answer of Applicant Genki Media LLC, owner of the Federal Trademark Application Serial No. 85037161 for the mark ARTJAMZ, to the Notice of Opposition served April 18, 2011, by Meli-Melo Limited (“Opposer”) and assigned Opposition No. 91199478.

Applicant hereby responds, solely for the purpose of this proceeding, to each of the grounds set forth in the Notice of Opposition, as follows:

1. Answering paragraph 1 of the Notice of Opposition, Applicant admits the allegation that the Opposer has marketed and sold its social painting experiences and related goods in association with the name “ART JAM” throughout Hong Kong for more than 10 years. Applicant does not have sufficient knowledge or information to form a belief as to the

allegations that the Opposer's Hong Kong trademark of "ART JAM" is "famous, distinctive, and very popular" with the American expatriate community in Hong Kong and, accordingly, denies these allegations.

2. Answering paragraph 2 of the Notice of Opposition, Applicant admits the allegation that the Opposer has marketed and sold its social painting experiences and related goods in association with the name "ARTJAMMING" throughout Hong Kong for approximately 8 years. Applicant does not have sufficient knowledge or information to form a belief as to the allegations that the Opposer's Hong Kong trademark of "ARTJAMMING" is "famous, distinctive, and very popular" with the American expatriate community in Hong Kong and, accordingly, denies these allegations.

3. Answering paragraph 3 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations that the Opposer has specifically marketed products and services associated with the Hong Kong trademarks of "ART JAM" and "ARTJAMMING" to American Citizens in Hong Kong and, accordingly, denies these allegations. Applicant does not have sufficient knowledge or information to form a belief as to the allegations concerning whether "many" American Citizens in Hong Kong are transients or whether "many" American Citizens travel back to the United States from Hong Kong and, accordingly, denies these allegations.

4. Answering paragraph 4 of the Notice of Opposition, Applicant admits the allegations thereof.

5. Answering paragraph 5 of the Notice of Opposition, Applicant admits the allegations thereof.

6. Answering paragraph 6 of the Notice of Opposition, Applicant admits the allegations thereof.

7. Answering paragraph 7 of the Notice of Opposition, Applicant admits the allegations thereof.

8. Answering paragraph 8 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations that the Opposer has collaborated with the American Club of Hong Kong and the American Chamber of Commerce in Hong Kong in relation to its “ART JAM” and “ARTJAMMING” products and services and, accordingly, Applicant denies these allegations.

9. Answering paragraph 9 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations concerning whether Opposer has been a sponsor of the American Chamber of Commerce of Hong Kong events and the Applicant does not have sufficient knowledge or information to form a belief as to the allegations concerning the goods or services the Opposer may have provided at any particular American Chamber of Commerce of Hong Kong events and, accordingly, Applicant denies these allegations.

10. Answering paragraph 10 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations concerning the Opposer’s holding of events relating to “ART JAM” and “ARTJAMMING” at the American Club of Hong Kong and for the American Club of Hong Kong members and whether such events were promoted in the American Club Magazine and, accordingly, Applicant denies these allegations. Applicant does not have sufficient knowledge or information to form a belief as to the allegations concerning the readership numbers of the

American Club Magazine and, accordingly, Applicant denies these allegations. Applicant does not have sufficient knowledge or information to form a belief as to the allegations concerning the membership composition of the American Club of Hong Kong and, accordingly, Applicant denies these allegations.

11. Answering paragraph 11 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations concerning the Opposer's holding of events relating to the "ART JAM" and "ARTJAMMING" marks with the various corporations enumerated in paragraph 11 of the Notice of Opposition and Applicant does not have sufficient knowledge or information to form a belief as to the allegations concerning Opposer's business relationships with the various corporations enumerated and, accordingly, Applicant denies these allegations.

12. Answering paragraph 12 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations concerning the media coverage involving the Opposer's "ART JAM" and "ARTJAMMING" products and services and, accordingly, Applicant denies these allegations.

13. Answering paragraph 13 of the Notice of Opposition, Applicant admits the allegations thereof.

14. Answering paragraph 14 of the Notice of Opposition, Applicant admits the allegations thereof.

15. Answering paragraph 15 of the Notice of Opposition, Applicant admits the allegations thereof.

16. Answering paragraph 16 of the Notice of Opposition, Applicant admits the allegations that the Opposer has a pending trademark application for "ARTJAMMING"

filed in China on November 20, 2009. Applicant does not have sufficient knowledge or information to form a belief as to the allegations concerning a pending trademark application for “ART JAM” filed in China and, accordingly, denies this allegation.

17. Answering paragraph 17 of the Notice of Opposition, Applicant admits the allegations thereof.

18. Answering paragraph 18 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations concerning the Opposer’s marketing and advertising efforts relating to “ART JAM” and “ARTJAMMING” products and services and, accordingly, Applicant denies these allegations. Applicant does not have sufficient knowledge or information to form a belief as to the allegations concerning the status of Opposer’s marks in regard to famousness, distinctiveness, and how the marks are identified in the minds of the public and trade and, accordingly, Applicant denies these allegations.

19. Answering paragraph 19 of the Notice of Opposition, Applicant admits the allegations thereof.

20. Answering paragraph 20 of the Notice of Opposition, Applicant admits the allegations thereof.

21. Answering paragraph 21 of the Notice of Opposition, Applicant admits the allegations thereof.

22. Answering paragraph 22 of the Notice of Opposition, Applicant admits the allegations thereof.

23. Answering paragraph 23 of the Notice of Opposition, Applicant denies the allegations thereof.

24. Answering paragraph 24 of the Notice of Opposition, Applicant denies the allegations thereof.

25. Answering paragraph 25 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations concerning the number of expatriates in the Washington D.C. area who may or may not be acquainted with the Opposer's "ART JAM" and "ARTJAMMING" goods and services and, accordingly, Applicant denies these allegations.

26. Answering paragraph 26 of the Notice of Opposition, Applicant admits the allegations thereof.

27. Answering paragraph 27 of the Notice of Opposition, Applicant admits the allegations thereof.

28. Answering paragraph 28 of the Notice of Opposition, Applicant denies the allegations thereof.

29. Answering paragraph 29 of the Notice of Opposition, Applicant admits the allegations that Applicant began its work on behalf of ARTJAMZ in arranging and organizing on May 11, 2010, the June 23 through 26, 2010, ARTJAMZ event at the Corcoran Gallery. Applicant denies the allegations by Opposer regarding on whose behalf the Corcoran event was for because ARTJAMZ provided the services paid for by the participants of the Corcoran event.

30. Answering paragraph 30 of the Notice of Opposition, Applicant denies the allegations thereof. As of May 11, 2010, the Applicant, on behalf of ARTJAMZ, was advertising and selling tickets to the June 2010 event at the Corcoran gallery for which the

Applicant, on behalf of ARTJAMZ, was actively engaged in the process of arranging, organizing, conducting, and hosting a social entertainment event at the Corcoran gallery.

31. Answering paragraph 31 of the Notice of Opposition, Applicant denies the allegations thereof. As stated previously, as of May 11, 2010, the Applicant, on behalf of ARTJAMZ, was advertising and selling tickets to the June 2010 event at the Corcoran gallery for which the Applicant, on behalf of ARTJAMZ, was actively engaged in the process of arranging, organizing, conducting, and hosting a social entertainment event at the Corcoran gallery.

32. Answering paragraph 32 of the Notice of Opposition, Applicant denies the allegations thereof.

33. Answering paragraph 33 of the Notice of Opposition, Applicant admits the allegations thereof.

34. Answering paragraph 34 of the Notice of Opposition, Applicant denies the allegations that the statements made in the ARTJAMZ Trademark application were false.

35. Answering paragraph 35 of the Notice of Opposition, Applicant denies the allegations thereof.

36. Answering paragraph 36 of the Notice of Opposition, Applicant denies the allegations thereof.

37. Answering paragraph 37 of the Notice of Opposition, Applicant denies the allegations thereof.

In Response to the Section Labeled Ground One

38. Answering paragraph 38 of the Notice of Opposition, Applicant repeats the answers of paragraphs 1 through 37 of this Answer in response to the respective paragraphs of 1 through 37 of the Notice of Opposition.

39. Answering paragraph 39 of the Notice of Opposition, Applicant denies the allegations thereof.

40. Answering paragraph 40 of the Notice of Opposition, Applicant denies the allegations thereof.

In Response to the Section Labeled Ground Two

41. Answering paragraph 41 of the Notice of Opposition, Applicant repeats the answers of paragraphs 1 through 40 of this Answer in response to the respective paragraphs of 1 through 40 of the Notice of Opposition.

42. Answering paragraph 42 of the Notice of Opposition, Applicant denies the allegations thereof.

43. Answering paragraph 43 of the Notice of Opposition, Applicant denies the allegations thereof.

44. Answering paragraph 44 of the Notice of Opposition, Applicant denies the allegations thereof.

In Response to the Section Labeled Ground Three

45. Answering paragraph 45 of the Notice of Opposition, Applicant repeats the answers of paragraphs 1 through 44 of this Answer in response to the respective paragraphs of 1 through 44 of the Notice of Opposition.

46. Answering paragraph 46 of the Notice of Opposition, Applicant denies the allegations thereof.

47. Answering paragraph 47 of the Notice of Opposition, Applicant denies the allegations thereof.

48. Answering paragraph 48 of the Notice of Opposition, Applicant denies the allegations thereof.

In Response to the Section Labeled Ground Four

49. Answering paragraph 49 of the Notice of Opposition, Applicant repeats the answers of paragraphs 1 through 48 of this Answer in response to the respective paragraphs of 1 through 48 of the Notice of Opposition.

50. Answering paragraph 50 of the Notice of Opposition, Applicant denies the allegations thereof.

51. Answering paragraph 51 of the Notice of Opposition, Applicant denies the allegations thereof.

FURTHERMORE, Applicant sets forth the following in support of its defense:

52. The Applicant, on behalf of ARTJAMZ, began advertising and selling tickets in the Washington D.C. metro area, which includes the District of Columbia, Virginia, and Maryland, to the June 2010 Corcoran Gallery ARTJAMZ events on May 11, 2010, and began the rendering of the goods and services of “arranging, organizing, conducting, and hosting social entertainment events” on May 11, 2010. The Applicant, on behalf of ARTJAMZ, completed rendering the goods and services of “arranging, organizing, conducting, and hosting social entertainment events” at the June 23 through 26, 2010,

ARTJAMZ events at the Corcoran Gallery, which was advertised in the specimen submitted to the USPTO with the ARTJAMZ trademark application.

53. Applicant's stated date of first use in commerce of the ARTJAMZ mark as being May 11, 2010, for the goods and services of "arranging, organizing, conducting, and hosting social entertainment events" meets the requirements of the definition of "use in commerce" in accordance with section 45 of the Lanham Act, 15 U.S.C. § 1127.

54. The USPTO trademark-examining attorney did not have any issues with the Applicant's specimen supporting the May 11, 2010, stated date of first use of the ARTJAMZ mark in commerce.

55. Applicant has used and continues to use the ARTJAMZ mark in interstate commerce in the United States for the class of goods and services listed in the ARTJAMZ trademark application.

56. Opposer has not used its proposed "ART JAM" mark or the "ARTJAMMING" mark in interstate commerce in the United States prior to the filing of the Opposer's trademark application and has not used its proposed marks in interstate commerce in the United States since filing its trademark applications.

57. Opposer has not claimed a right of priority and does not meet the requirements for a claim of priority under section 44(d) of the Lanham Act, 15 U.S.C. § 1126(d), because the Opposer's U.S. trademark applications were not filed within six months of the filing date of any of the Opposer's foreign trademark applications.

58. Applicant's ARTJAMZ mark has a right of priority in the establishing of trademark rights over the Opposer's trademark applications for the "ART JAM" and "ARTJAMMING" marks for use in commerce in the United States for any similar class of

goods and services in any claim of alleged deceptiveness, false suggestion of a connection, likelihood of confusion, or dilution.

59. Opposer's Notice of Opposition fails to state a claim upon which relief can be granted.

60. Applicant reserves the right to amend its answer to add additional or other affirmative defenses as may become necessary after a reasonable opportunity for appropriate discovery.

WHEREFORE, Applicant requests that the Trademark Trial and Appeal Board deny the Opposition and permit registration of Applicant's proposed mark in Application Serial Number 85037161 in the United States Patent and Trademark Office.

A duplicate copy of this Answer to Notice of Opposition has been sent via First Class Mail to counsel for Opposer on May 27, 2011.

Respectfully Submitted,

By: _____/Glen H. Ackerman/_____

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CERTIFICATE OF SERVICE

Opposition Number: 91199478

I hereby certify that true copies of the Answer to Notice of Opposition were served to Counsel for the Opposer by mailing said copy on May 27, 2011, via First Class Mail, postage prepaid, to the following address:

Leslye B. Davidson
Davidson, Davidson & Kappel, LLC
485 Seventh Avenue, 14th Floor
New York, NY 10018

By: _____/Glen H. Ackerman/_____

Glen H. Ackerman
Attorney for Applicant