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

Proceeding	91201578
Party	Defendant Boutique Newcity (Public) Company Limitedd
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

JOULES LIMITED, Opposer, vs. BOUTIQUE NEWCITY (PUBLIC) COMPANY LIMITED, Applicant.	Application No.: 85/073,256 Opposition No.: 91201578 Mark: JOUSSE

ANSWER

Boutique Newcity (Public) Company Limited. (hereinafter, "Applicant" or "Boutique Newcity"), a Thai public limited company having a principal place of business at 1112/53-75 Sukhumvit Rd. Soi Sukhumvit 48, Prakanong, Klongtoey, Bangkok, 10110, Thailand, hereby answers the above-captioned Notice of Opposition filed by Joules Limited ("Opposer" or "Joules") to Boutique Newcity's application to register the mark JOUSSE for goods in Class 25 as follows: Women's clothing, namely, jackets, blouses, shirts, skirts, pants, tank tops, dresses.

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

2. Applicant admits the allegations in Paragraph 2 of the Notice of Opposition.

3. Applicant admits the allegations in Paragraph 3 of the Notice of Opposition.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 4 of the Notice of Opposition and accordingly denies the same.

5. Paragraph 5 is a factual statement. To the extent that a response is required, Applicant denies any allegation contained in Paragraph 5.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegation in Paragraph 6 and accordingly denies the same.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegation in Paragraph 7 and accordingly denies the same.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegation in Paragraph 8 and accordingly denies the same.

9. Applicant denies the allegations in Paragraph 9 of the Notice of Opposition.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegation in Paragraph 10 and accordingly denies the same.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegation in Paragraph 11 and accordingly denies the same.

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

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

14. Applicant admits that if it is granted the registration herein opposed, it will obtain a *prima facie* exclusive right to use its mark in connection with the goods set forth in its application. Applicant denies the remaining allegations in Paragraph 14 of the Notice of Opposition.

First Affirmative Defense

15. There is no likelihood of confusion between "JOULES" and "JOUSSE." The marks do not sound alike, look alike, or create the same commercial impression.

Second Affirmative Defense

16. Applicant's and Opposer's marks have different meanings. Applicant's mark means "joyful." "Joules" identifies an individual, Tom Joule.

Third Affirmative Defense

17. "Joules" is primarily merely a surname and is not entitled to registration on the Principal Register. Applicant reserves its right to petition to cancel the pleaded registrations on the basis that they consist of primarily merely a surname.

Fourth Affirmative Defense

18. "Joules" is entitled to a very narrow scope of protection, if any. First, "Joules" is a surname. Second, during prosecution of Reg. No. 3696021, Registrant argued that "Joules" is not likely to be confused with "Joule." These marks are virtually identical. By making this argument to the Trademark Office, Registrant established that "JOULES" is entitled to a very narrow scope of protection, if any.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed with prejudice and the Board grant to Applicant such other and/or further relief as the Board may deem just and proper.

Dated: October 24, 2011

Respectfully submitted,
ELLENOFF GROSSMAN & SCHOLE LLP

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **ANSWER** was served by email to Opposer's counsel addressed as follows:

Kimberly Gambrel, Esq.
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By:/saryn e. leibowitz/ Dated: October 24, 2011