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

Proceeding	91204562
Party	Defendant Miss United States Of America Organization, LLC on, LLC
Correspondence Address	MISS UNITED STATES OF AMERICA ORGANIZATI 504 OLD LEXINGTON HWY CHAPIN, SC 29036-9816  tjdancestation@aol.com
Submission	Answer
Filer's Name	Todd R. Ellis
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Signature	/Todd R. Ellis/
Date	05/14/2012
Attachments	11-0062 DA Johns USPTO Answer 91204562.pdf ( 5 pages )(184106 bytes )

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

In the matter of Application Serial no. 85/440,251  
Published in the Official Gazette on March 20, 2012

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MRS. UNITED STATES NATIONAL PAGEANT, INC.,

Opposer,

vs.

Opposition No:  
91204562

MISS UNITED STATES OF AMERICA  
ORGANIZATION, LLC, and

Applicant.

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The Applicants Miss United States of America Organization, LLC (referred to as "Applicant") answers the Notice of Opposition ("Opposition") filed by Mrs. United States National Pageant, Inc. ("Opposer") as follows:

**FOR A FIRST DEFENSE**

1. Each and every allegation of Plaintiff's Opposition not hereinafter specifically admitted, qualified or explained is denied.
2. As to allegations in paragraph 1, Applicant lacks sufficient knowledge and information to admit or deny the same and therefore denies the allegations and demands strict proof thereof.
3. Applicant admits the allegations set forth in paragraph 2.
4. Applicant admits the allegations set forth in paragraph 3.
5. As to paragraphs 4, 5, and 6, the Application is the best evidence of claims and assertions of Applicant and Applicant denies any allegations not specifically stated therein.
6. Applicant denies the allegations set forth in paragraph 7.
7. As to paragraph 8, Applicant admits only the Opposer asserts ownership of the marks but Applicant denies the remaining allegations in Paragraph 8 as it lacks sufficient knowledge and

information to admit or deny the same.

8. As to allegations in paragraphs 9, 10, 11, 12, and 13, Applicant lacks sufficient knowledge and information to admit or deny the allegations and therefore denies the same and demands strict proof thereof.
9. Applicant denies the allegations set forth in paragraphs 14, 15,
10. Paragraph 16 of the Notice of Opposition reiterates paragraphs 1 through 15. Applicant denies all allegations unless admitted in Applicants Answer to Opposer's Notice of Opposition.
11. Applicant denies the allegations set forth in paragraphs 17, 18, 19, and 20.
12. Paragraph 21 of the Notice of Opposition reiterates paragraphs 1 through 20. Applicant denies all allegations unless admitted in Applicants Answer to Opposer's Notice of Opposition.
13. Applicant denies the allegations set forth in paragraphs 22, and 23.
14. Paragraph 24 of the Notice of Opposition reiterates paragraphs 1 through 23. Applicant denies all allegations unless admitted in Applicants Answer to Opposer's Notice of Opposition.
15. Applicant admits the allegations set forth in paragraphs 25, 26, 27, 28, 29, and 30.
16. Applicant denies the allegations set forth in paragraph 31.
17. Applicant admits the allegations set forth in paragraphs 32, 33, and 34.
18. As to paragraph 35, the Application is best evidence of the declarations made by the Applicant and to the extent that those assertions is paragraph 35 quote the application and are made without qualification, the Applicant admits those assertions. Otherwise, the Applicant refers to the Application and denies the allegations.
19. Applicant denies the allegations set forth in paragraphs 36 and 37.
20. Applicant denies the allegations set forth the reason foregoing that the Opposer would be damaged by the registration of "Mrs. United States of America" to Applicant.

**FOR A SECOND DEFENSE**

21. Each and every admission and denial of Applicant's Answer is repeated herein.
22. The Applicant asserts that the Opposer is barred from objecting to the Application as Applicant is seeking fair use of the terms therein describe its products and services.

**FOR A THIRD DEFENSE**

23. Each and every admission and denial of Applicant's Answer is repeated herein.
24. The Applicant asserts that the Opposer is barred from objecting to the Application as Opposer has abandoned any exclusivity to the asserted mark through its failure to protect exact or similar marks in the industry for which the marks are utilized.

**FOR A FOURTH DEFENSE**

25. Each and every admission and denial of Applicant's Answer is repeated herein.
26. The Applicant asserts that the Opposer is barred from objecting to the Application as its use of United States of America in its mark is done fairly and in good faith for the purpose of describing the geographic region of the pageant and is distinct from the Opposer's use.

**FOR A FIFTH DEFENSE**

27. Each and every admission and denial of Applicant's Answer is repeated herein.
28. The Applicant asserts that the Opposer is barred from objecting to the Application as its use of the asserted mark is violation of the antitrust laws of the United States.

**FOR A SIXTH DEFENSE**

29. Each and every admission and denial of Applicant's Answer is repeated herein.
30. The Applicant asserts that all equitable principles, including laches, estoppel, and acquiescence, are applicable to its use of the mark in its Application because opposer has failed to protect the registered marks, allowed long term use of its exact marks in the same industry by competitors, has diluted any value in the marks by failing to protect the marks, by using consistent marks and even

allowing its representatives to use the wrong marks to describe its products, services and pageant winners.

**WHEREFORE**, having Answered the Opposer's Notice of Opposition against Miss United States of America Organization, LLC, Applicant prays that Opposers Notice of Opposition be dismissed, with costs being awarded to Applicant; and for such other and further relief as this Court may deem just and proper.

RESPECTFULLY SUBMITTED BY:

/Todd R. Ellis/  
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Irmo, South Carolina  
May 14, 2012

## CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer to the Notice of Opposition in regarding to Application Serial No. 85/440, 251 has been served on the counsel for the Opposer, by mailing said copy on May 14, 2012 via Certified Mail, postage prepaid and via electronic mail, to:

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