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

Proceeding	91206020
Party	Defendant Factory Direct, Inc.
Correspondence Address	MARY M. LEE MARY M. LEE, P.C. 1300 E 9TH ST STE 4 EDMOND, OK 73034-5760 mml@marymlee.com;mail@marymlee.com
Submission	Answer
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Date	08/16/2012
Attachments	6201-032 2012-08-16 Answer.pdf (3 pages)(10213 bytes)

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

*In the matter of Application No. 85/493,012
For the Mark SLEEP BETTER, LIVE BETTER
Published in the Official Gazette on March 13, 2012*

SHEEX, INC.

Opposer

v.

Opposition No. 91206020

FACTORY DIRECT, INC.,

Applicant

Commissioner for Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Arlington, VA 22313-1451

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Factory Direct, Inc. (“Applicant”), answers the Notice of Opposition in the above-identified proceeding as follows:

1. Applicant is without sufficient information to form a belief as to the allegations in Paragraph 1 of the Notice, and therefore denies same.
2. Applicant admits the allegations in Paragraph 2 of the Notice.
3. Applicant admits the allegations in Paragraph 3 of the Notice.
4. Applicant admits the allegations in Paragraph 4 of the Notice.
5. Applicant is without sufficient information to form a belief as to the allegations in Paragraph 5 of the Notice, and therefore denies same.
6. Applicant admits the existence of U.S. Trademark Registration No. 3,765,386, and that the list of goods recited in Paragraph 6 is the same as that presently shown in the TARR database. However, Applicant is without sufficient information to

form a belief as to the remainder of the allegations in Paragraph 6 of the Notice, and therefore denies same.

7. Applicant is without sufficient information to form a belief as to the allegations in Paragraph 7 of the Notice, and therefore denies same.

8. Applicant admits the allegations in Paragraph 8 of the Notice.

9. Applicant admits the allegations in Paragraph 9 of the Notice.

10. Applicant is without sufficient information to form a belief as to the allegations in Paragraph 10 of the Notice, and therefore denies same.

11. Applicant denies the allegations of Paragraph 11.

12. Applicant denies the allegations of Paragraph 12.

13. Applicant denies the allegations of Paragraph 13.

14. Applicant denies the allegations of Paragraph 14.

15. Applicant is without sufficient information to form a belief as to the allegations in Paragraph 15 of the Notice, and therefore denies same.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed in its entirety.

Respectfully Submitted,

/Mary M. Lee/

Mary M. Lee, Reg. No. 31,976

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Attorney for Applicant, Factory Direct, Inc.

August 15, 2012

CERTIFICATE OF SERVICE

I hereby certify that on the 16th day of August, 2012, a true and complete copy of the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION was served upon Opposer by mailing the same by first-class mail, postage prepaid, to Opposer's attorney:

Michael D. Hobbs, Jr., Esq.
TROUTMAN SANDERS LLP
600 Peachtree Street, N.E. Ste. 5200
Atlanta GA 30308-2216.

/Mary M. Lee/