

ESTTA Tracking number: **ESTTA522032**

Filing date: **02/16/2013**

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

Proceeding	91207771
Party	Defendant Lake Placid Spring Water, Inc.
Correspondence Address	TODD WENGROVSKY LAW OFFICES OF TODD WENGROVSKY PLLC 285 SOUTHFIELD RD , #585 CALVERTON, NY 11933-1416 UNITED STATES contact@twlegal.com
Submission	Other Motions/Papers
Filer's Name	Todd Wengrovsky
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Signature	/Todd Wengrovsky/
Date	02/16/2013
Attachments	LPSW - TTAB Response to Notice 02152013.pdf (3 pages)(164647 bytes) LPSW Answer - December 7, 2012.pdf (4 pages)(454335 bytes)

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

Proceeding Number: **91207771**

Serial No.: **85/542,974**

Mark: **PURAH**

BOX TTAB
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

**APPLICANT'S RESPONSE TO
NOTICE OF DEFAULT**

Applicant Lake Plaid Spring Water, Inc., by its attorney Todd Wengrovsky, hereby responds to the Notice of Default dated January 22, 2013, as follows:

1. On December 7, 2012, approximately one month prior to the due date of January 6, 2013, I served the attached Answer on Opposer's counsel via e-mail (to four different law firm addresses) and first class mail.

2. At such time, I experienced problems with the TTAB's electronic filing system, specifically receiving a series of error messages in response to my submission. Due to the contents of the Notice of Default dated January 22, 2013, it appears that the December 7, 2012 Answer was not entered in the system.

3. As such, Applicant respectfully submits that it is not in default per FRCP 55, and that default should not be entered.

WHEREFORE, Applicant respectfully requests that the attached Answer (served on opposing counsel on December 7, 2012) be entered and made of record.

Dated: Calverton, New York.
February 15, 2013

/s/ Todd Wengrovsky
Todd Wengrovsky
Law Offices of
Todd Wengrovsky, PLLC.
285 Southfield Road, Box 585
Calverton, NY 11933
Tel (631) 727-3400
Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2013, a copy of the foregoing Applicant's Response to Notice of Default was electronically filed with the United States Patent and Trademark Office and that a copy was deposited with the United States Postal Service as First Class Mail, postage paid, in an envelope addressed to Plaintiff's attorney of record:

Holly Pekowsky, Esq.
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/s/ Todd Wengrovsky
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**APPLICANT'S ANSWER TO
OPPOSER'S NOTICE OF OPPOSITION**

Applicant Lake Plaid Spring Water, Inc., by its attorney Todd Wengrovsky, hereby responds to the Amended Notice of Opposition filed by First Quality Water & Beverage, LLC. on November 12, 2012, as follows:

1. Applicant denies each and every allegation of this Paragraph of the Notice of Opposition.

2. Applicant admits the allegations of this Paragraph of the Notice of Opposition in that Opposer filed the trademark application, but denies that Opposer's applied-for mark was inherently distinctive.

3. Applicant denies each and every allegation of this Paragraph of the Notice of Opposition.

4. Applicant denies each and every allegation of this Paragraph of the Notice of Opposition.

5. Applicant denies each and every allegation of this Paragraph of the Notice of Opposition.

6. Applicant denies each and every allegation of this Paragraph of the Notice of Opposition.

7. Applicant denies each and every allegation of this Paragraph of the Notice of Opposition, and further comments that Opposer's mark has not acquired secondary meaning in merely two alleged years of usage, and that Opposer is not even the first party to use PUREAU for bottled water in United States commerce - such was registered to an Australian company from January 19, 1993 to July 26, 1999.

8. Applicant denies each and every allegation of this Paragraph of the Notice of Opposition.

9. Applicant denies each and every allegation of this Paragraph of the Notice of Opposition, and further comments that PUREAU and PURAH look significantly different than one another. For example, the common French suffix "EAU" appears in Opposer's mark only. Moreover, the letter "H" appears in Applicant's mark only, for which there is no equivalent in Opposer's mark. Furthermore, PUREAU and PURAH also sound quite different from one another. For example,

Opposer's mark features a long "O" sound, while Applicant's mark instead features a soft "AH" sound. As such, the marks do not even rhyme with one another, and are not confusingly similar to one another in any way.

10. Applicant denies each and every allegation of this Paragraph of the Notice of Opposition.

11. Applicant denies each and every allegation of this Paragraph of the Notice of Opposition.

WHEREFORE, Applicant requests that the Opposition be dismissed in its entirety with prejudice.

Dated: Calverton, New York.
December 7, 2012

/s/ Todd Wengrovsky
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Todd Wengrovsky, PLLC.
285 Southfield Road, Box 585
Calverton, NY 11933
Tel (631) 727-3400
Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on December 7, 2012, a copy of the foregoing Applicant's Answer to Opposer's Notice of Opposition was electronically filed with the United States Patent and Trademark Office and that a copy was deposited with the United States Postal Service as First Class Mail, postage paid, in an envelope addressed to Plaintiff's attorney of record:

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