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

Proceeding	91207989
Party	Defendant Edwards, Patrick M
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Attachments	Answers to Genesco Brands.pdf (4 pages)(86643 bytes)

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

GENESCO BRANDS INC.)
)
 Opposer) Serial No.: 85/406,420
) Opposition No.: 91207989
v.)
)
PATRICK M. EDWARDS)
)
 Applicant)

ANSWER

Opposer Genesco Brands Inc. will not be damaged by registration in International Class 025 of the mark and design shown in the application Serial No. 85/406,420.

1. Applicant admits to all statements opposer makes in this paragraph.
2. Applicant denies the statement that opposer makes concerning the fact that the Design Mark (a black hand print) is prominently displayed in Journeys stores. Applicant does not have enough information to admit or deny the statement that the opposer makes regarding it owning common law rights to the Handprint Design Mark.
3. Applicant denies the statement that opposer makes concerning using its design mark in connection with JOURNEYS retail stores and on point of purchase materials sold in those stores.

4. Applicant admits to all statements made by opposer.

5. Applicant does not have enough information to admit or deny the statement that the opposer makes concerning the use of its Handprint Design Mark in commerce as early as December 31, 1987.

6. Applicant denies the statement that the opposer's Handprint Design Mark has been used continuous and extensively in advertising in their retail stores and the products sold therein. Applicant does not have enough information about the extensive use of the opposer's Handprint Design Mark for over 20 years and that it is favorably known by the public throughout the United States.

7. Applicant does not have enough information to admit or deny the statement that the opposer makes regarding the substantial goodwill and consumer recognition established by them as a result of the outstanding quality and extensive sales of products through its retail stores throughout the United States for many years. Applicant does not have enough information to admit or deny the opposer's statement that they expended large amounts of money, time, and effort in advertising and promoting such goods and services under their Handprint Design Mark. Applicant denies the statement that opposer's Handprint Design Mark uniquely identifies Genesco and its retail stores and related products and services to the public. Applicant does not have enough information to admit or deny the statement that the opposer has acquired extensive common law rights in the Handprint Design Mark in connection with its retail store services and with footwear, clothing and other goods.

8. Applicant admits to all statements made by opposer in this paragraph.

9. Applicant does not have enough information to admit or deny the statement made by the opposer regarding the continued use of its Handprint Design Mark prior to the defendant's actual or constructive first use date.

10. Applicant denies the statement made by the opposer regarding applicant's Design Mark being virtually identical in appearance and commercial impression to the opposer's Handprint Design Mark.

11. Applicant admits to all statements made by the opposer.

12. Applicant denies the statement that the opposer will be damaged by the registration of Applicant's mark in International Class 025 because the mark so resembles the opposer's previously used Handprint Design Mark as to be likely to cause consumer confusion, mistake and deception. Applicant denies the statement made by the opposer that their Design Mark would cause consumers familiar with the opposer's Handprint Design to believe that Genesco endorsed, sponsored, or licensed applicant's goods. Applicant does not have enough information to admit or deny the statement made by Genesco that applicant's mark with respect to International Class 025 on the Principal Register would be inconsistent with Genesco's right in its Handprint Design Mark.

Applicant therefore opposes Genesco's request of Applicant's mark being refused registration.

Respectfully Submitted,

/Patrick M. Edwards/
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Certificate of Transmission

I hereby certify that this correspondence was filed electronically through the U.S. Patent and Trademark Office's ETTA system on December 24, 2012

By: /Patrick M. Edwards/

