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

Proceeding	91208850
Party	Defendant Tran, Quoc N.
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Submission	Answer
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Date	02/22/2013
Attachments	AnstoOpp302.PDF (6 pages)(1643295 bytes)

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

Forevery 21, Inc.	)	Opposition No. 91208850
	)	
Opposer,	)	Application No. 85/687,549
	)	
v.	)	Filed: July 26, 2012
	)	
Quoc N. Tran	)	Mark: FOREVER YOUNG IMAGE
	)	
Applicant.	)	
	)	Class: 25

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

ANSWER TO NOTICE OF OPPOSITION

In reply to the Notice of Opposition filed against the above-identified trademark application on January 14, 2013, the Applicant, Quoc N. Tran, Answers as follows:

1) In reply to Paragraph 1 of the Notice of Opposition, the Applicant is not familiar with the goods or the marks of the Opposer. Therefore, the Applicant denies each and every allegation of said Paragraph 1.

2) In reply to Paragraph 2 of the Notice of Opposition, the Applicant has no particular knowledge of the Opposer's adoption or use of Opposer's FOREVER 21 trademarks in the interstate commerce of the United States. Therefore, the Applicant denies each and every allegation of said Paragraph 2.

3) In reply to Paragraph 3 of the Notice of Opposition, the Applicant has no particular knowledge of the Opposer's adoption or use of Opposer's XXI FOREVER

trademarks in the interstate commerce of the United States. Therefore, the Applicant denies each and every allegation of said Paragraph 3.

4) In reply to Paragraph 4 of the Notice of Opposition, the Applicant has no particular knowledge of the Opposer's adoption or use of Opposer's FOREVER STATIONERY trademarks in the interstate commerce of the United States. Therefore, the Applicant denies each and every allegation of said Paragraph 4.

5) In reply to Paragraph 5 of the Notice of Opposition, the Applicant has no particular knowledge of the Opposer's adoption, use or registration of Opposer's XXI FOREVER trademarks in International Class 25. Therefore, the Applicant denies each and every allegation of said Paragraph 5.

6) In reply to Paragraph 6 of the Notice of Opposition, the Applicant has no particular knowledge of the Opposer's adoption, use or registration of Opposer's FOREVER 21 trademark in International Class 14. Therefore, the Applicant denies each and every allegation of said Paragraph 6.

7) In reply to Paragraph 7 of the Notice of Opposition, the Applicant has no particular knowledge of the Opposer's adoption, use or registration of Opposer's F21 trademark in International Class 25. Therefore, the Applicant denies each and every allegation of said Paragraph 7.

8) In reply to Paragraph 8 of the Notice of Opposition, the Applicant has no particular knowledge of the Opposer's adoption, use or registration of Opposer's FOREVER 21 trademark in International Class 35. Therefore, the Applicant denies each and every allegation of said Paragraph 8.

9) In reply to Paragraph 9 of the Notice of Opposition, the Applicant has no particular knowledge of any sums spent by the Opposer for any goodwill created by the Opposer among the purchasing public under the Opposer's FOREVER trademarks. Therefore, the Applicant denies each and every allegation of said Paragraph 9.

10) In reply to Paragraph 10 of the Notice of Opposition, the Applicant has no particular knowledge of the use of the FOREVER trademarks by Opposer or the value of such trademarks as a business and marketing asset of the Opposer or as an indictor of products originating from the Opposer. Therefore, the Applicant denies each and every allegation of said Paragraph 10.

11) In reply to Paragraph 11 of the Notice of Opposition, the Applicant admits that U. S. Registration No. 2,067,637 issued on June 3, 1997 for the mark FOREVER 21 for the goods and/or services set forth in that registration.

12) In reply to Paragraph 12 of the Notice of Opposition, the Applicant admits that U. S. Trademark Registration No. 2,583,457 issued on June 18, 2002 for the mark FOREVER 21 for the goods and/or services set forth in that registration.

13) In reply to Paragraph 13 of the Notice of Opposition, the Applicant admits that U. S. Trademark Registration No. 2,836,546 issued on April 27, 2004 for the mark FOREVER 21 for the goods and/or services set forth in that registration.

14) In reply to Paragraph 14 of the Notice of Opposition, the Applicant admits that U. S. Trademark Registration No. 3,689,946 issued on September 29, 2009 for the mark FOREVER STATIONERY for the goods and/or services set forth in that registration.

15) In reply to Paragraph 15 of the Notice of Opposition, the Applicant has no particular knowledge of the validity of the Opposer's marks and registrations or of the

Opposer's ownership and exclusive right to use its FOREVER trademarks in connection with the services set forth in the registrations. Therefore, the Applicant denies each and every allegation of said Paragraph 15.

16) In reply to Paragraph 16 of the Notice of Opposition, the Applicant has no particular knowledge of the intent of the Opposer to use the mark FOREVER 18 as indicated in Application Serial Nos. 85/120,852 and 85/120,785 for the goods and/or services set forth in those applications. Therefore, the Applicant denies each and every allegation of said Paragraph 16.

17) In reply to Paragraph 17 of the Notice of Opposition, the Applicant admits that he filed an application for registration of FOREVER YOUNG IMAGE on July 26, 2012 and that said application was published for opposition in the Official Gazette of January 1, 2013.

18) In reply to Paragraph 18 of the Notice of Opposition, the Applicant denies that his FOREVER YOUNG IMAGE mark is confusingly similar to Opposer's FOREVER trademarks. Applicant further denies that his registration and use of FOREVER YOUNG IMAGE on the goods claimed by the Applicant in the subject application is likely to cause confusion, deception or mistake pursuant to Section 2(b) of the Lanham Act.

19) In reply to Paragraph 19 of the Notice of Opposition, the Applicant denies that his use of FOREVER YOUNG IMAGE interferes with Opposer's use of its FOREVER trademarks. Applicant further denies that his registration of the mark FOREVER YOUNG IMAGE will seriously damage Opposer.

20) In reply to Paragraph 20 of the Notice of Opposition, the Applicant denies that Opposer's FOREVER trademarks became famous well prior to the filing date of the

application for FOREVER YOUNG IMAGE by Applicant. Applicant further denies that his application for the mark FOREVER YOUNG IMAGE, if allowed to proceed to registration, would cause dilution of the distinctive quality of Opposer's FOREVER trademarks pursuant to Section 43(c) of the Lanham Act.

In view of the foregoing, Applicant maintains that Opposer will not be damaged by the registration and use by the Applicant of the mark FOREVER YOUNG IMAGE described in Applicant's Application Serial No. 85/687,549 filed July 26, 2012. Accordingly, Applicant prays that this Notice of Opposition be dismissed in it entirety and that Application No. 85/687,549 be allowed to proceed to registration.

Respectfully submitted,

Morland Fischer

February 22, 2013
Dated

Morland C. Fischer
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Irvine, CA 92614
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PROOF OF SERVICE

State of California)
) ss.
County of Orange)

I am over the age of 18 and not a party to this within action; my business address is Law Offices of Morland C. Fischer, 2030 Main Street, Suite 1300, Irvine, California 92614. On February 22, 2013, the attached ANSWER TO NOTICE OF OPPOSITION was served on all interested parties in this action by U. S. Mail, postage prepaid, at the address(es) as follows:

Dana Arak
Forever 21, Inc.
3880 North Mission Road
Los Angeles, California 90031

Executed on February 22, 2013 at Irvine, California. I declare under penalty of perjury that the above is true and correct.

Paulette A. Fritz