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

Proceeding	91209012
Party	Defendant Guetta TM Management GmbH
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Date	03/05/2013
Attachments	L ME I'M FAMOUS Answer to Notice of Opposition.pdf (3 pages)(279256 bytes)

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

BROWN GROUP RETAIL, INC.)	
)	
Opposer,)	
)	
v.)	Opposition No. 91209012
)	Ser. No. 79/107,303
)	Mark: L ME I'M FAMOUS! & Design
GUETTA TM MANAGEMENT GmbH)	
)	
Applicant.)	
)	
_____)	

Applicant's Answer to Notice of Opposition

Applicant Guetta TM Management GmbH ("Applicant") by and through its attorneys, hereby answers the Notice of Opposition ("Opposition") filed by Brown Group Retail, Inc. ("Opposer"), as follows:

1. Admit.
2. Applicant admits that the description of the mark that is the subject of application Ser. No. 79/107,303 states as follows: "Color is not claimed as a feature of the mark. The mark consists of the wording 'L ME I'M FAMOUS' with three hearts designs[sic] following the letter 'L' giving the appearance of the word 'LOVE.'" To the extent the allegations in Paragraph 2 of the Opposition are inconsistent with this description, they are denied.
3. Applicant has insufficient information to admit or deny these allegations and on that basis, denies.
4. Denied.
5. Applicant has insufficient information to admit or deny these allegations and on that basis, denies.

6. Denied.
7. Applicant has insufficient information to admit or deny these allegations and on that basis, denies.
8. Denied.
9. Denied.
10. Denied.

Affirmative Defenses

11. Opposer fails to state a claim upon which relief can be granted.
12. "FAMOUS," as used in Opposer's alleged FAMOUS FOOTWEAR, FAMOUS FOOTWEAR & Design and MAKE TODAY FAMOUS marks, is a laudatory term, which is merely descriptive of the goods and services offered by Opposer under these alleged marks, and is therefore not a distinct element of the marks enforceable against Applicant.
13. Opposer's alleged FAMOUS FOOTWEAR, FAMOUS FOOTWEAR & Design, and MAKE TODAY FAMOUS marks already coexist with a number of marks incorporating the term "FAMOUS," including in International Classes 25 and 35 (many of which were cited by Opposer during the prosecution of its alleged marks in response to office actions) such that any rights Opposer may have in "FAMOUS" are diluted and do not extend to or allow Opposer to block registration of Applicant's L ME I'M FAMOUS! & Design mark, given the differences in the marks and in the goods and services.
14. Applicant reserves the right to amend its Answer to assert additional or other affirmative defenses as may become necessary after a reasonable opportunity for discovery.

Prayer for Relief

WHEREFORE Applicant respectfully requests judgment denying the Opposition and dismissal of this proceeding, in its entirety.

<p>I hereby certify that this <i>Answer to Notice of Opposition and Affirmative Defenses</i> was served upon counsel for Opposer at the address below via First Class Mail on March 5, 2013:</p> <p>Michelle Alvey Husch Blackwell LLP 190 Carondelet Plaza, Ste. 600 The Plaza in Clayton Office Tower St. Louis, MO 63105</p> <p>Signed: <u> /John C. Rawls/ </u> John C. Rawls</p> <p>Dated: March 5, 2013</p>	<p>Dated: March 5, 2013</p> <p>Signed: <u> /John C. Rawls/ </u> John C. Rawls Baker Williams Matthiesen LLP 1177 West Loop South, Ste. 1600 Houston, TX 77027</p> <p>Attorney for Applicant</p>
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