

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

FIRST QUALITY HYGIENIC, INC.	§	OPPOSITION NO. 91210253
Opposer,	§	
	§	
V.	§	
	§	
HAYES, SHEILA M.	§	
Applicant.	§	

ANSWER TO NOTICE OF OPPOSITION

The following is the Answer of Applicant Sheila M. Hayes (“Applicant”), owner of Federal Trademark Application Serial No. 85517499 for the mark Fem-m (hereinafter “Applicant’s Mark”), by and through Counsel, Shakira Cruz of The Cruz Law Firm, PLLC, to the Notice of Opposition filed on April 16, 2013 by First Quality Hygienic, Inc. (hereinafter “First Quality” or “Opposer”), and assigned Opposition No. 91210253.

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations contained in paragraph 1 of the Notice of Opposition. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations contained in paragraph 2 of the Notice of Opposition. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations contained in paragraph 3 of the Notice of Opposition. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations contained in paragraph 4 of the Notice of Opposition. Since Applicant can



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neither admit nor deny the paragraph as written, Applicant must deny.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations contained in paragraph 5 of the Notice of Opposition. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny.

6. Admit that Opposer annexed Exhibit A and B to the Notice of Opposition.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations contained in paragraph 7 of the Notice of Opposition. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations contained in paragraph 8 of the Notice of Opposition. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations contained in paragraph 9 of the Notice of Opposition. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations contained in paragraph 10 of the Notice of Opposition. Since Applicant can neither admit nor deny the paragraph as written, Applicant must deny.

11. Denied.

12. Denied.

13. Denied.

FURTHERMORE, Applicant sets forth the following in support of its position:

14. Applicant's mark is unique and distinctive.

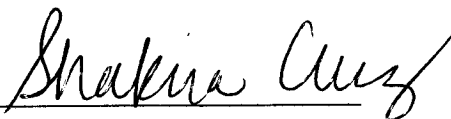
15. The wording in Applicant's mark and Opposer's mark are different.

16. Applicant's mark and Opposer's mark are different in appearance.
17. Applicant's mark and Opposer's mark are different in spelling.
18. Applicant's mark and Opposer's mark create different commercial impressions.
19. Applicant's mark contains "-m" not present in Opposer's mark.
20. Opposer's mark contains "Tex" not present in Applicant's mark.
21. "Fem" is a common phrase in relation to providing feminine products or services or related goods or services.
22. "Fem" is registered in numerous trademarks for feminine and/or hygiene products or services or related goods and services not owned by Opposer.
23. "Fem" is used in commerce by third parties as part of numerous trademarks for feminine and/or hygiene products or services or related goods and services not owned by Opposer.
24. Applicant does not provide tampons for sale.
25. Opposer does not provide hygiene kits for sale.
26. Applicant's hygiene kits do not contain tampons in its packages.
26. Applicant's mark and Opposer's mark are not likely to cause confusion, mistake or deception to purchasers as to the source of Opposer's goods or services.
27. Applicant's mark and Opposer's mark are not likely to disparage or falsely suggest a trade connection between Opposer and Applicant.

WHEREFORE, Applicant prays that the Trademark Trial and Appeal Board deny the Opposition and permit registration of Applicant's proposed mark in Application Serial Number 85517499 in the United States Patent and Trademark Office.

Date: May 31, 2013

Respectfully submitted,
The Cruz Law Firm, PLLC

A handwritten signature in black ink that reads "Shakira Cruz". The signature is written in a cursive style and is positioned above a horizontal line.

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Applicant's Answer to Notice of Opposition has been served on May 31, 2013, via BY REGULAR FIRST CLASS MAIL, POSTAGE PREPAID, to counsel for Opposer at the following address:

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