

ESTTA Tracking number: **ESTTA572591**

Filing date: **11/22/2013**

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

Proceeding	91212952
Party	Defendant JetBlue Airways Corporation
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Submission	Answer
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Date	11/22/2013
Attachments	FGKSLIB1-#498652-v1-SOFLY_Answer.PDF(15982 bytes)

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

Applicant : JetBlue Airways Corporation
Trademark : SOFLY
Serial No. : 85/774,490
Filed : November 8, 2012
Published : April 16, 2013
Class : 042

ALASKA AIRLINES, INC.,

Opposer,

Opposition No. 91212952

-v-

JETBLUE AIRWAYS CORPORATION,

Applicant.

ANSWER

JetBlue Airways Corporation (“Applicant”) through its undersigned attorneys, hereby sets forth its Answer and Affirmative Defenses to the Notice of Opposition against Application Serial No. 85/774,490 for registration of the trademark SOFLY as follows:

1. Applicant admits that JetBlue Airways Corporation is a Delaware corporation with an address of 27-01 Queens Plaza North Long Island City, New York 11101.
2. Applicant lacks sufficient knowledge or information to respond to the allegations set forth in Paragraph 2 of the Notice of Opposition and, therefore, denies the same.
3. Applicant lacks sufficient knowledge or information to respond to the allegations set forth in Paragraph 3 of the Notice of Opposition and, therefore, denies the same.

4. Applicant lacks sufficient knowledge or information to respond to the allegations set forth in Paragraph 4 of the Notice of Opposition and, therefore, denies the same, except Applicant admits that SOFLY appears on the website www.jetblue.com/sofly/.
5. Applicant denies the allegations set forth in Paragraph 5 of the Notice of Opposition.
6. Applicant denies the allegations set forth in Paragraph 6 of the Notice of Opposition.
7. Applicant denies the allegations set forth in Paragraph 7 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

8. The Notice of Opposition fails to state a claim upon which relief can be granted.
9. Applicant's mark is not confusingly similar to Opposer's trademark.
10. Opposer's claim that a likelihood of confusion exists is unfounded for several reasons, including the following:
 - a. Applicant's mark is not similar in sound, connotation, or meaning to Opposer's mark so as to cause consumer confusion;
 - b. Applicant's mark is sufficiently unique to distinguish itself from any possible confusion with Opposer's mark;
 - c. Opposer's mark is not sufficiently strong, famous, or distinctive so as to cause consumers to associate "SOFLY" with Opposer.

WHEREFORE, Applicant JetBlue Airways Corporation prays that the Notice of Opposition and the relief sought by Opposer Alaska Airlines, Inc. be denied and judgment rendered in favor of Applicant.

Dated: New York, New York

November 22, 2013

Respectfully submitted,

FRANKFURT KURNIT KLEIN &
SELZ, PC



By:

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Attorneys for Applicant
JetBlue Airways Corporation

CERTIFICATE OF SERVICE

I hereby certify that on this 22nd day of November 2013, I caused a copy of the foregoing Notice of Opposition to be served, by the means indicated below, upon:

VIA FIRST CLASS MAIL

Cindy L. Caditz
Davis Wright Tremaine LLP
1201 Third Avenue, Suite 2200
Seattle, WA 98101-3045



Rachel Kronman