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Filing date: **04/27/2015**

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

Proceeding	91221139
Party	Defendant Bruce Weber
Correspondence Address	LAWRENCE E APOLZON FROSS ZELNICK LEHRMAN & ZISSU PC 866 UNITED NATIONS PLZ NEW YORK, NY 10017-1822 UNITED STATES
Submission	Answer
Filer's Name	James D. Weinberger
Filer's e-mail	jweinberger@frosszelnick.com, lkittay@frosszelnick.com
Signature	/s/ James D. Weinberger
Date	04/27/2015
Attachments	Answer (WET DOG) (F1679397x96B9E).pdf(28101 bytes)

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

THE WET SEAL, INC.,

Opposer,

-against-

BRUCE WEBER,

Applicant.

Opposition No. 91221139

ANSWER TO NOTICE OF OPPOSITION

Applicant, Bruce Weber (“Applicant”) for his Answer to Notice of Opposition of The Wet Seal, Inc. (“Opposer”) states as follows:

In response to the unnumbered paragraph of the Notice of Opposition, Applicant admits that Opposer purports to allege being damaged by the registration of the mark shown in Application Serial No. 85/950,758, but denies that Opposer is entitled to the relief sought, avers that the records of the United States Patent and Trademark Office speak for themselves, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations and therefore denies the same.

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Notice of Opposition and therefore denies the same.
2. Admits the allegations contained in Paragraph 2 of the Notice of Opposition.
3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Notice of Opposition and therefore denies the same.
4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Notice of Opposition and therefore denies the same.
5. Denies knowledge or information sufficient to form a belief as to the truth of the

allegations contained in Paragraph 5 of the Notice of Opposition and therefore denies the same.

6. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Notice of Opposition and therefore denies the same.

7. Avers that the records of the United States Patent and Trademark Office speak for themselves, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the Notice of Opposition and therefore denies the same.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Notice of Opposition and therefore denies the same.

9. Denies the allegations contained in Paragraph 9 of the Notice of Opposition.

10. Denies the allegations contained in Paragraph 10 of the Notice of Opposition.

11. Admits the allegations contained in Paragraph 11 of the Notice of Opposition, but avers that the application at-issue was filed in connection with additional goods as well.

12. Admits the allegations contained in Paragraph 12 of the Notice of Opposition.

13. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of the Notice of Opposition, but avers that Applicant has not yet filed with the United States Patent and Trademark Office a Statement of Use regarding the Application.

14. Denies the allegations contained in Paragraph 14 of the Notice of Opposition.

15. Denies the allegations contained in Paragraph 15 of the Notice of Opposition.

16. Denies the allegations contained in Paragraph 16 of the Notice of Opposition.

17. Denies the allegations contained in Paragraph 17 of the Notice of Opposition.

18. Denies the allegations contained in Paragraph 18 of the Notice of Opposition.

19. Denies the allegations contained in Paragraph 19 of the Notice of Opposition.

20. Denies the allegations contained in Paragraph 20 of the Notice of Opposition.

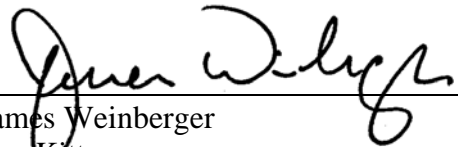
FIRST AFFIRMATIVE DEFENSE

Opposer has failed to state a claim upon which relief can be granted.

WHEREFORE, it is respectfully submitted that the Notice of Opposition be dismissed with prejudice in its entirety and that Application Serial No. 85/950,758 proceeds to registration.

Dated: New York, New York
April 27, 2015

FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 
James Weinberger
Leo Kittay

866 United Nations Plaza
New York, New York 10017
(212) 813-5900

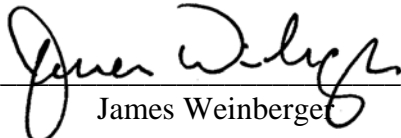
Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the ANSWER TO NOTICE OF OPPOSITION was served via first class mail, postage prepaid and placed in an official depository under exclusive care and custody of the United States Postal Service within the State of New York upon counsel for Opposer:

Katherine Keating
Bryan Cave LLP
25th Floor
560 Mission Street
San Francisco, CA 94105-2994

on this 27th day of April 2015.


James Weinberger