

ESTTA Tracking number: **ESTTA677053**

Filing date: **06/09/2015**

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

Proceeding	91221761
Party	Defendant Alliance Defending Freedom, Allilance Defending Freedom
Correspondence Address	BRETT HARVEY ALLIANCE DEFENDING FREEDOM 15100 N 90TH ST SCOTTSDALE, AZ 85260-2901  bharvey@alliancedefendingfreedom.org
Submission	Answer
Filer's Name	Charles M. Allen
Filer's e-mail	cal- len@goodmanallen.com,mweis@goodmanallen.com,trademarks@goodmanallen.com
Signature	/Charles M. Allen/
Date	06/09/2015
Attachments	2015-06-09 Applicant's Answer to NOO.pdf(91992 bytes )

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

AMUSEMENT ART, LLC,	)	Opposition No.	91221761
	)		
Opposer,	)	Serial No.:	86/309,114
	)		
v.	)	Mark:	LIFE IS BEAUTIFUL PLATFORM
	)		
ALLIANCE DEFENDING	)	Serial No:	86/309,730
FREEDOM,	)		
	)	Mark:	LIFE IS BEAUTIFUL PLATFORM
Applicant.	)		(STYLIZED/DESIGN)
	)		
_____	)		

**APPLICANT’S ANSWER TO OPPOSER’S NOTICE OF OPPOSITION**

Applicant, Alliance Defending Freedom, by counsel, states the following in Answer to Opposer’s Notice of Opposition:

1. Applicant admits the allegations of paragraph 1 of the Opposition, excepting only that both applications were originally filed for services in International Class 36 and both were amended by the Examiner to services in International Class 35. Applicant further avers and asserts that it is incorrectly identified as “Allilance Defending Freedom in U.S. Trademark Application 86/309,730.
2. Applicant admits the allegations of paragraph 2 of the Opposition.
3. Applicant admits that the both applications were published for opposition on March 31, 2015.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4 of the Opposition and these are, therefore, denied.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 5 of the Opposition and these are, therefore, denied.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 6 of the Opposition and these are, therefore, denied.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 7 of the Opposition and these are, therefore, denied.

8. Applicant denies that “PLATFORM” is an unregistrable component of its mark. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 8 of the Opposition and these are, therefore, denied.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9 of the Opposition and these are, therefore, denied.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 10 of the Opposition and these are, therefore, denied.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 11 of the Opposition and these are, therefore, denied.

12. Applicant denies the allegations of paragraph 12 of the Opposition.

13. Paragraph 13 contains a plea for relief for which no response is necessary. To the extent that a response is deemed necessary, Applicant denies the allegations of paragraph 13.

### **AFFIRMATIVE DEFENSES**

1. Opposer fails to state a claim upon which relief may be granted.

2. Applicant’s mark represented by Application Serial No. 86/309,114 is not likely to cause confusion or mistake with Opposer’s purported mark or to deceive consumers

when used in connection with Applicant's services, or that such services are affiliated or connected with Opposer and its services.

3. Applicant's mark represented by Application Serial No. 86/309,730 is not likely to cause confusion or mistake with Opposer's purported mark or to deceive consumers when used in connection with Applicant's services, or that such services are affiliated or connected with Opposer and its services.
4. Applicant gives notice that it intends to rely upon any other affirmative defense that may arise or be identified during the discovery proceedings in this Opposition and hereby reserves the right to amend its Answer and Affirmative Defenses to assert any such defense.

WHEREFORE Applicant respectfully requests that the Opposition to registration of its applications Serial No. 86/309,114 and 86/309,730 be dismissed and that its applications be permitted to proceed to registration.

Respectfully submitted,

**ALLIANCE DEFENDING FREEDOM**

/Charles M. Allen/

Charles M. Allen  
Martha A. Weis  
GOODMAN, ALLEN & FILETTI, PLLC  
4501 Highwoods Parkway, Suite 210  
Glen Allen, VA 23060  
(804) 346-0600 (Telephone)  
(804) 346-5954 (Facsimile)  
[callen@goodmanallen.com](mailto:callen@goodmanallen.com)

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing APPLICANT'S ANSWER TO OPPOSER'S NOTICE OF OPPOSITION for Opposition No. 91221761 has been served on Opposer Amusement Art, LLC's attorney of record by email transmission and mailing by first class mail, postage prepaid, this 9<sup>th</sup> day of June 2015 to:

Michaelangelo G. Loggia  
110 Seward Street  
Los Angeles, CA 90038  
[Michael@iawworld.com](mailto:Michael@iawworld.com)

By:

\_\_\_\_\_  
/Charles M. Allen/

Charles M. Allen  
GOODMAN, ALLEN & FILETTI, PLLC  
4501 Highwoods Parkway, Suite 210  
Glen Allen, VA 23060  
(804) 346-0600 (Telephone)  
(804) 346-5954 (Facsimile)  
[callen@goodmanallen.com](mailto:callen@goodmanallen.com)