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

Proceeding	91227514
Party	Defendant Florida Baptist Children's Homes, Inc.
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Attachments	Answer to Notice of Opposition.pdf(152574 bytes)

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

COMPASSION INTERNATIONAL, INC.,

Opposer,

Opposition No.: 91227514

v.

Serial No. 86817585

**FLORIDA BAPTIST CHILDREN
HOMES, INC.,**

Trademark: WOMEN OF COMPASSION

Applicant.

**FLORIDA BAPTIST'S ANSWER AND AFFIRMATIVE DEFENSES
TO NOTICE OF OPPOSITION**

Applicant, FLORIDA BAPTIST CHILDREN HOMES, INC., ("FBCH"), files its Answer and Affirmative Defenses to the Notice of Opposition filed by COMPASSION INTERNATIONAL, INC., ("Opposer"). FBCH believes that there is no likelihood of confusion or dilution, that the Opposition is meritless and that Opposer is unnecessarily interfering with its registration rights. FBCH further answers the Opposition as follows:

1. FBCH does not have specific knowledge of Opposer's activities and therefore denies this allegation.
2. FBCH admits only that Opposer purports to own trademarks with formative variations of "Compassion."
 - a. FBCH admits that Opposer purports to own Registration No. 2,988,651, but is without specific knowledge of when Opposer began using this mark and therefore denies this allegation.

- b. FBCH admits that Opposer purports to own Registration No. 1,522,859, but is without specific knowledge of when Opposer began using this mark and therefore denies this allegation.
- c. FBCH admits that Opposer purports to own Registration No. 3,806,533, but is without specific knowledge of when Opposer began using this mark and therefore denies this allegation.
- d. FBCH admits that Opposer purports to own Registration No. 2,669,765, but is without specific knowledge of when Opposer began using this mark and therefore denies this allegation.
- e. Denied. Registration No. 3,390,622 has been cancelled.
- f. FBCH admits that Opposer purports to own Registration No. 2,826,007, but is without specific knowledge of when Opposer began using this mark and therefore denies this allegation.
- g. FBCH admits that Opposer purports to own Registration No. 4,579,905, but is without specific knowledge of when Opposer began using this mark and therefore denies this allegation.

3. Denied.

4. FBCH does not have specific knowledge of Opposer's use of its marks and, therefore, denies this allegation. FBCH specifically denies that Opposer owns common law rights in COMPASSION, COMPASSION INTERNATIONAL, or WOMEN OF COMPASSION.

5. FBCH does not have specific knowledge of Opposer's use of its marks and, therefore, denies this allegation. FBCH specifically denies that Opposer's various "Compassion" designations have become famous.

COUNT I: Likelihood of Confusion 15 U.S.C. § 1052(d)

6. FBCH reasserts and realleges its responses to paragraphs 1 through 5, above, as though fully set forth herein.

7. FBCH admits only that it first used its "Women of Compassion" trademark at least as early as March 2009. To the extent that any of Opposer's "Compassion" designations were used before then, this allegation is admitted. However, to FBCH's knowledge, Opposer has never used any of its "Compassion" designations in connection with the same or confusingly similar services under which FBCH has long used its "Women of Compassion" trademark.

8. Denied.

COUNT II: Likelihood of Dilution 15 U.S.C. § 1125(c)

9. FBCH reasserts and realleges its responses to paragraphs 1 through 5, above, as though fully set forth herein.

10. Denied, and specifically denied that any of Opposer's "Compassion" designations are famous.

11. Denied.

WHEREFORE, the Opposition should be denied, and FBCH's Trademark Application Serial No. 86/817,585 should be granted and a registration should issue from that Application.

AFFIRMATIVE DEFENSES

1. **No likelihood of confusion.** FBCH's "Women of Compassion" trademark does not create a likelihood of confusion with any designation used by Opposer. Among other things, FBCH's trademark is distinctive from Opposer's designations in sight, sound, and commercial impression, and it covers services distinct from, and not likely to be confused with, those of Opposer.

2. **Dissimilar trade channels.** FBCH's "Women of Compassion" is a society of philanthropic women who have made generous donations to FBCH and its affiliated churches and organizations throughout Florida. As such, the trade channels through which FBCH uses its well-known trademark are distinct from those used by Opposer such that there is no likelihood of confusion.

3. **Prior use.** FBCH is the first user of the "Women of Compassion" trademark, and thus Opposer cannot establish prior use of that mark, or any confusingly similar formative of that mark.

4. **Lack of Distinctiveness of Opposer's designations.** Unlike FBCH's trademark, which is highly distinctive in, among other things, sight, sound and commercial impression, Opposer's "Compassion" designations lack distinctiveness, particularly in view of the large number of registered and unregistered trademarks and designations for charitable and philanthropic organizations and causes similar to those of Opposer that use "compassion" or a formative thereof.

5. **Waiver and Acquiescence.** Opposer's claims are barred by the doctrines of waiver and acquiescence.

Dated: June 2, 2016.

Respectfully submitted,

/s/ Holly L. Collins

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(Applicant)

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the above Answer to the Notice of Opposition has been served by mailing said copy on June 2, 2016, via First Class Mail, postage prepaid to:

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/s/ Holly L. Collins

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