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

Proceeding	91232538
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

L.A. GEAR, INC.

Opposer,

v.

THE LOS ANGELES RAMS, LLC,

Applicant.

Mark: LA RAMS
Opposition 91232538

ANSWER TO NOTICE OF OPPOSITION

Applicant The Los Angeles Rams, LLC (“Applicant”), by and through its undersigned counsel, hereby answers the Notice of Opposition filed by L.A. Gear, Inc. (“Opposer”) in accordance with the numbered paragraphs thereof as follows. Applicant denies all allegations in Opposer’s Notice of Opposition that are not expressly admitted.

Regarding the preamble of the Notice of Opposition, Applicant admits that it is a Delaware limited liability company with a principal place of business located at 29899 Agoura Road, Agoura Hills, California 91301. As to the grounds for opposition, for the reasons detailed below, Applicant denies all such allegations and claims and denies that Opposer will be damaged by the registration of Applicant’s LA RAMS mark in Class 25. With respect to the remaining statements in the preamble, Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations in the preamble of the Notice of Opposition, and therefore denies them.

1. For many years, L.A. Gear, Inc. (referred to as “Opposer”) has been and now is engaged in the development and production of footwear and apparel products for men, women and children; namely shoes, pants, shorts, shirts, dresses, skirts, blouses, jackets, overalls, warm-

up suits, socks, hats, leotards, tights, legwarmers, caps, visors, and headbands; eyewear, namely eyeglasses, sunglasses, and reading glasses; bags; namely gym bags, backpacks, duffle bags, tote bags, and overnight bags; stationary portfolios, notebooks, memo pads, writing pads, and stationery.

ANSWER: Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1 and on that basis denies them.

2. From a time long prior to the date of filing of Applicant's Application, Opposer has used its L.A. GEAR and related marks in commerce in the United States on and in connection with Opposer's Goods and Services, for which the L.A. GEAR and related marks have become famous. Moreover, Opposer's L.A. GEAR and related marks maintain a valuable reputation by virtue of the excellence of the goods and services sold under the same.


ANSWER: Applicant denies that the L.A. GEAR and related marks are famous. With respect to the remaining allegations in Paragraph 2, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2 and on that basis denies them.

3. Opposer has spent large sums of money and expended tremendous effort in promoting goods and services under its L.A. GEAR and related marks which have become famous and associated exclusively with Opposer and its goods and services. The goodwill of the business connected with the use of, and symbolized by, the L.A. GEAR marks and is an asset of incalculable value.


ANSWER: Applicant denies that the L.A. GEAR and related marks have become famous. With respect to the remaining allegations in Paragraph 3, Applicant is without

knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3 and on that basis denies them.

4. Specifically, Opposer is the owner of the United States Patent and Trademark Registration No. 1,325,941 which was filed on January 7, 1983 for the mark L.A. GEAR and

Design  for the following goods: “shoes, shirts, skirts, shorts, pants, dresses, jackets and jumpsuits” in International Class 25. The registration maintains a date of first use of at least as early as December 10, 1982. *See* Exhibit No. 1.

ANSWER: Applicant admits that the U.S. Patent and Trademark Office records for Registration No. 1,325,941 show that the application was filed January 7, 1983 for the mark

 for use in connection with shoes, shirts, skirts, shorts, pants, dresses, jackets and jumpsuits in International Class 25, claiming a first use date of at least as early as December 10, 1982. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 4 and on that basis denies them.

5. Opposer is the owner of the United States Patent and Trademark Registration No. 1,813,728 which was filed on November 4, 1991 for the mark L.A. GEAR for the following goods: “bags; namely, gym bags, backpacks, duffle bags, tote bags, and overnight bags” in International Class 18. The registration maintains a date of first use of at least as early as November 24, 1989. *See* Exhibit No. 2.

ANSWER: Applicant admits that the U.S. Patent and Trademark Office records for Registration No. 1,813,728 show that the application was filed on January 7, 1983 for the mark L.A. GEAR for use in connection with bags, namely, gym bags, backpacks, duffle bags, tote

bags, and overnight bags in International Class 18, claiming a first use date of at least as early as November 24, 1989. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 5 and on that basis denies them.

6. Opposer is the owner of the United States Patent and Trademark Registration No.

1,815,958 which was filed on April 30, 1992 for the mark LA GEAR and design



the following goods: “footwear and apparel products for men, women and children; namely, shoes, pants, shorts, shirts, blouses, jackets, overalls, warm-up suits, socks, hats, leotards and tights” in International Class 25. The registration maintains a date of first use of at least as early as February 3, 1992. *See* Exhibit No. 3.

ANSWER: Applicant admits that the U.S. Patent and Trademark Office records for Registration No. 1,815,958 show that the application was filed on April 30, 1992 for the mark




for use in connection with footwear and apparel products for men, women and children, namely shoes, pants, shorts, shirts, blouses, jackets, overalls, warm-up suits, socks, hats, leotards and tights in International Class 25, claiming a first use date of at least as early as February 3, 1992. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 6 and on that basis denies them.

7. Opposer is the owner of the United States Patent and Trademark Registration No. 1,909,357 which was filed on November 16, 1992 for the mark SO...L.A. for the following goods: “shoes” in International Class 25. The registration maintains a date of first use of at least as early as March 5, 1993. *See* Exhibit No. 4.

ANSWER: Applicant admits that the U.S. Patent and Trademark Office records for Registration No. 1,909,357 show that the application was filed on November 16, 1992 for the mark SO...L.A. for use in connection with shoes in International Class 25, claiming a first use date of at least as early as March 5, 1993. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 7 and on that basis denies them.

8. Opposer is the owner of the United States Patent and Trademark Registration No. 1,822,900 which was filed on May 24, 1993 for the mark L.A. LIGHTS for the following goods: “footwear products for men, women and children; namely, shoes” in International Class 25. The registration maintains a date of first use of at least as early as July 1, 1992. *See* Exhibit No. 5.

ANSWER: Applicant admits that the U.S. Patent and Trademark Office records for Registration No. 1,822,900 show that the application was filed on May 24, 1993 for the mark L.A. LIGHTS and that it is now registered in connection with footwear products for men, women and children, namely shoes in International Class 25, claiming a first use date of at least as early as July 1, 1992. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 8 and on that basis denies them.

9. Opposer is the owner of the United States Patent and Trademark Registration No. 2,160,298 which was filed on March 31, 1997 for the mark LA and design  for the following goods: “footwear; namely, shoes” in International Class 25. The registration maintains a date of first use of at least as early as February 1997. *See* Exhibit No. 6.

ANSWER: Applicant admits that the U.S. Patent and Trademark Office records for Registration No. 2,160,298 show that the application was filed on March 31, 1997 for the mark



for use in connection with shoes in International Class 25, claiming a first use date of at least as early as February 1997. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 9 and on that basis denies them.

10. Opposer is the owner of the United States Patent and Trademark Registration No. 3,418,787 which was filed on May 16, 2003 for the mark L.A. GIRL for the following goods “Footwear.” in International Class 25. The registration maintains a date of first use of at least as early as January 4, 2008. *See* Exhibit No. 7.

ANSWER: Applicant admits that the U.S. Patent and Trademark Office records for Registration No. 3,418,787 show that the application was filed on May 16, 2003 for the mark L.A. GIRL for use in connection with footwear in International Class 25, claiming a first use date of at least as early as January 4, 2008. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 10 and on that basis denies them.

11. Opposer is the owner of the United States Patent and Trademark Registration No. 3,163,405 which was filed on November 11, 2003 for the mark L.A. GEAR for the following goods: “Eyewear, namely eyeglasses, sunglasses, and reading glasses.” In International Class 9. The registration maintains a date of first use of at least as early as January, 1996. *See* Exhibit No. 8.

ANSWER: Applicant admits that the U.S. Patent and Trademark Office records for Registration No. 3,163,405 show that the application was filed on November 11, 2003 for the mark L.A. GEAR for use in connection with eyewear, namely, eyeglasses, sunglasses, and reading glasses in International Class 9, claiming a first use date of at least as early as January 1996. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 11 and on that basis denies them.

12. Opposer is the owner of the United States Patent and Trademark Registration No. 3,315,339 which was filed on December 13, 2006 for the mark LAGEAR.COM for the following goods: "Footwear." in International Class 25. The registration maintains a date of first use of at least as early as August 1, 2005. The mark LAGEAR.COM is also representative of services used in connection with "On-line retail store services featuring footwear" In International Class 35. The registration maintains a date of first use of at least as early as November 1, 2006. *See* Exhibit No. 9.

ANSWER: Applicant admits that the U.S. Patent and Trademark Office records for Registration No. 3,315,339 show that the application was filed on December 13, 2006 for the mark LAGEAR.COM for use in connection with footwear in International Class 25, claiming a first use date of at least as early as August 1, 2005 and in connection with on-line retail store services featuring footwear in International Class 35, which claims a first use date of at least as early as November 1, 2006. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 12 and on that basis denies them.

13. Opposer is the owner of the United States Patent and Trademark Registration No. 3,818,995 which was filed on June 23, 2008 for the mark L.A. TECH for the following goods

“Footwear.” in International Class 25. The registration maintains a date of first use of at least as early as December 31, 2009. *See* Exhibit No. 10.

ANSWER: Applicant admits that the U.S. Patent and Trademark Office records for Registration No. 3,818,995 show that the application was filed on June 23, 2008 for the mark L.A.TECH for use in connection with footwear in International Class 25, claiming a first use date of at least as early as December 31, 2009. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 13 and on that basis denies them.

14. Opposer is the owner of the United States Patent and Trademark Registration No. 3,844,628 which was filed on February 1, 2010 for the mark LA and design:



(collectively, with the marks identified above hereinafter referred to as “Opposer’s Marks”) for the following goods: “Footwear” in International Class 25 (collectively, with the goods identified above hereinafter referred to as “Opposer’s Goods”). The registration maintains a date of first use of at least as early as February 3, 1992. *See* Exhibit No. 11.

ANSWER: Applicant admits that the U.S. Patent and Trademark Office records for Registration No. 3,844,628 show that the application was filed on February 1, 2010 for the mark



for use in connection with footwear in International Class 25, claiming a first use date of at least as early as February 3, 1992. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 14 and on that basis denies them.

15. Opposer's use of Opposer's Marks in connection with the above-identified goods has been continuous since the date of first use in commerce claimed on each of Opposer's Registrations as set out hereinabove.

ANSWER: Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 15 and on that basis denies them.

16. Upon information and belief, Applicant is The Los Angeles Rams, LLC, a Delaware limited liability company with a principal place of business located at 29899 Agoura Road, Agoura Hills, California 91301.

ANSWER: Admitted.

17. On or about January 13, 2016 Applicant filed an Application on an Intent-to-Use Filing Basis with the United States Trademark Office (hereinafter "USPTO") for the mark LA RAMS (hereinafter "Applicant's Mark") for use in-part in connection with the following goods: "Clothing, footwear and headwear, namely, caps, hats, visors, headbands, ear muffs, wristbands, tops, T-shirts, tank tops, sleepwear, golf shirts, sweaters, sweatshirts, turtlenecks, jackets, neckties, bibs not of paper, jerseys, coats, robes, ponchos, sneakers, gloves, scarves, mittens, aprons, shorts, sweatpants, jeans, pants, socks, underwear, swimwear, rompers" in International Class 25 (hereinafter "Applicant's Goods").

ANSWER: Admitted.

18. Applicant's Application for Applicant's Mark received U.S. Serial No. 86/874,294.

ANSWER: Admitted.

19. Applicant's Mark published for opposition on or about December 20, 2016.

ANSWER: Admitted.

20. Applicant's applied-for mark LA RAMS as more fully identified in U.S. Application Serial No. 86/874,294 is confusingly similar to the marks of Opposer identified hereinabove.

ANSWER: Denied.

21. There is no issue of priority. Upon information and belief, Applicant has not acquired rights in Applicant's Mark before Opposer acquired rights in Opposer's Marks.

ANSWER: Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 21 and on that basis denies them.

22. Opposer's Marks became famous in the minds of consumers long prior to the date of filing of Applicant's Application Serial Number 86/874,294 for Applicant's Mark for use in connection with Applicant's Goods.

ANSWER: Denied.

23. Upon information and belief, Applicant's Goods will be offered to the same classes of consumers and at least through some of the same channels of trade as Opposer's Goods. As applied to Applicant's Goods, Applicant's Mark so resembles the Opposer's Marks that it is likely to cause confusion, or cause to mistake, or to deceive as to the source of the goods.

ANSWER: Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of the first sentence of Paragraph 23 and on that basis denies them. Applicant denies the allegations in the second sentence of Paragraph 23.

24. Upon information and belief, registration of Applicant's Mark as more fully identified in Application Serial No. 86/874,294 for use in connection with Applicant's Goods in Class 25 will diminish and dilute the distinctive quality of Opposer's famous marks identified

hereinabove. Customers and potential customers are likely to believe that Applicant's Goods under Applicant's Mark originate from, or are sponsored and approved by Opposer when that is not the case. Any dissatisfaction with Applicant's Goods would reflect upon and irreparably damage Opposer's reputation and goodwill embodied in Opposer's Marks and name.

ANSWER: Denied.

25. Opposer will be damaged by Applicant's registration of Applicant's Mark for the goods identified in Application Serial No. 86/874,294 covered in International Class 25 as a result of the aforementioned confusion, mistake, and deception.

ANSWER: Denied.

26. If Applicant is granted the registration of Applicant's Mark as more fully identified in Application Serial No. 86/874,294 for use in connection with Applicant's Goods in Class 25 it would support statutory rights for Applicant in violation and derogation of Opposer's prior rights which would be a source of damage to Opposer.

ANSWER: Denied.

27. By reason of the foregoing, Applicant is not entitled to registration of the mark LA RAMS as more fully identified in Application Serial No. 86/874,294 for use in connection with Applicant's Goods in International Class 25

ANSWER: Denied.

ADDITIONAL DEFENSES

Without prejudice to the denials set forth in its Answer to Notice of Opposition and without admitting any allegations in the Notice of Opposition not otherwise admitted, Applicant avers and asserts the following Additional Defenses to Opposer's claims. Applicant reserves all further defenses under Rule 8(c) of the Federal Rules of Civil Procedure, the Lanham Act, and

any other defenses at law or in equity, that may now or in the future exist based on discovery and further factual investigation in the case:

1. Opposer's claims are barred, in whole or in part, for failure to state a claim upon which relief can be granted.
2. Opposer's claims are barred, in whole or in part, by the doctrine of equitable estoppel.
3. Opposer's claims are barred, in whole or in part, by the doctrine of unclean hands.
4. Opposer does not have exclusive rights in the terms "LA" or "L.A.", which are primarily geographically descriptive terms that refer to the city of Los Angeles.
5. Opposer's claimed marks coexist with hundreds of third party federally registered marks in Class 25 that include the terms LA, L.A. and/or LOS ANGELES. Thus, Opposer's claimed marks are weak, which bars any likelihood of confusion.
5. Applicant, itself or through its predecessors-in-interest, used the LA RAMS mark at least as early as 1987.

WHEREFORE, having fully answered the claims in the Notice of Opposition, Applicant respectfully requests that the Notice of Opposition be dismissed with prejudice in all respects.

Dated: August 7, 2018

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that on August 7, 2018, I caused a true and complete copy of the foregoing Answer to Notice of Opposition to be sent via email to:

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By: /Kristin H. Altoff/