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

Proceeding	91233053
Party	Defendant Delta Phi Epsilon, Inc.
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Date	04/04/2017
Attachments	EMPOWERING WOMEN Answer 4850-6184-7110 v.1.pdf(117747 bytes)

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

In the matter of Application Serial No. 86/951588
Mark: EMPOWERING WOMEN TO BE SOMETHING

SIGMA DELTA TAU SOCIETY,)	
)	
Opposer,)	
)	OPPOSITION NO.
v.)	
)	91233053
DELTA PHI EPSILON, INC. aka)	
DELTA PHI EPSILON SORORITY,)	
)	
Applicant.)	

ANSWER TO NOTICE OF OPPOSITION

Comes the Consolidated Notice of Opposition of Sigma Delta Tau Society (hereinafter “Opposer”), Applicant submits the following:

1. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraphs 1, 2, and 3 of the Notice of Opposition.
2. Applicant admits so much of paragraph 4 of the Notice of Opposition as alleges that Applicant uses the phrase EMPOWERING WOMEN TO BE SOMETHING. Applicant denies each and every other allegation of said paragraph of the Notice of Opposition.
3. In response to paragraphs 5, 6, and 7 of the Consolidated Notice of Opposition which references written communications between the parties, Applicant admits so much of said allegations as accurately quotes from said written communications. Applicant lacks knowledge or information sufficient to form a belief about the truth of any other allegations of said paragraphs of the Notice of Opposition.

4. Applicant admits the allegations of paragraph 8 of the Notice of Opposition.
5. Applicant denies so much of paragraph 9 of the Notice of Opposition as suggest that Applicant “acknowledged” any enforceable rights of Opposer in the words EMPOWERING WOMEN. Applicant denies that Applicant applied to register EMPOWERING WOMEN TO BE SOMETHING “long after” being aware of Opposer’s asserted rights and affirmatively states the filing to register EMPOWERING WOMEN TO BE SOMETHING did not relate to a newly adopted mark, rather was based on many prior years use by Applicant of the mark.
6. Applicant admits the allegations of paragraph 10 of the Notice of Opposition.
7. Applicant admits so much of paragraph 11 of the Notice of Opposition as suggests Applicant was aware of Opposer’s concurrent use of the phrase EMPOWERING WOMEN but denies each and every other allegation of said paragraph of the Notice of Opposition.
8. Applicant denies the allegations of paragraph 12 of the Notice of Opposition.
9. Applicant admits the allegations of paragraph 13 of the Notice of Opposition.
10. Applicant denies the allegations of paragraph 14 of the Notice of Opposition as worded and affirmatively states the expressed grounds for the suspension was not “a potential likelihood of confusion,” rather was a form statement to the effect Applicant’s “pending application may present a bar to registration of” Opposer’s mark.
11. Applicant denies the allegations of paragraphs 15 and 16 of the Notice of Opposition as worded and affirmatively states the services provided under Applicant’s marks are services specifically provided to the members of Applicant, whereas the services offered under Opposer’s mark are services specifically provided to the members of Opposer.
12. Applicant denies the allegations of paragraph 17 of the Notice of Opposition.

13. Applicant admits paragraph 18 of the Notice of opposition but affirmatively states the words “EMPOWERING WOMEN” are an extremely weak mark and said words are very commonly used in multiple marks used with services to women.

14. Applicant denies the allegations of paragraph 19 of the Notice of Opposition.

15. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations of paragraph 20 of the Notice of Opposition.

16. Applicant denies the allegations of paragraphs 21, 22, and 23 of the Notice of Opposition.

17. Applicant denies any allegations of the Notice of Opposition not expressly admitted above.

WHEREFORE, Applicant prays for dismissal of the Notice of Opposition.

/jackawheat/
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of this correspondence entitled ANSWER TO NOTICE OF OPPOSITION in Opposition No. 91233053, *Sigma Delta Tau Society v. Delta Phi Epsilon, Inc.* is being filed electronically with the U.S. Patent and Trademark Office using the ESTTA service, and with copies served by Email upon counsel for Opposer at their Email addresses of record.

/jackawheat/
Attorney for Applicant