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

Proceeding	91234269
Party	Defendant Atelier, Inc.
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Attachments	Answer and Affirmative Defenses.pdf(185553 bytes)

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

In the matter of Application Serial No. 87/185,047
Filed on September 27, 2016
For the Mark, chez loulou salon (and design)
Published in the Official Gazette (Trademark) on February 28, 2017

SAROFIMA, LLC,)
)
)
Opposer,) Opposition No. 91234269
)
v.)
)
ATELIER, INC., DBA CHEZ LOULOU,)
)
)
Applicant.)
)
)

Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

**ANSWER AND AFFIRMATIVE DEFENSES
OF APPLICANT ATELIER, INC., DBA CHEZ LOULOU**

Applicant Atelier, Inc., DBA Chez LouLou, (“Applicant”) hereby answers the Opposition of Sarofima, LLC (“Opposer”).

1. Admitted.
2. Admitted.
3. Applicant is without knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3 as to the meaning of the mark, LOULOU. The remainder of the allegations in paragraph 3 state a legal conclusion for which no response is required.

4. Applicant admits that LOULOU does not identify a living individual. Applicant denies the remaining allegations in paragraph 4.

5. Denied.

6. The allegations set forth in paragraph 6 state a legal conclusion for which no response is required.

7. Admitted.

8. Admitted.

9. Admitted.

10. The allegations set forth in paragraph 10 state a legal conclusion for which no response is required.

11. Admitted.

12. Admitted.

13. Denied.

14. Denied.

15. Admitted.

16. Denied.

17. Denied.

18. Denied.

19. Denied.

20. Applicant is without knowledge and information sufficient to form a belief as to

the truth of the allegations set forth in paragraph 20.

21. Applicant is without knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 21.

22. Denied.

23. Admitted.

24. Denied.

25. Denied.


26. Applicant is without knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 26.

27. Applicant admits that the pronunciation of LOULOU and LOULU may differ, and denies the remaining allegations of paragraph 27.

28. The allegations set forth in paragraph 28 state a legal conclusion for which no response is required.

29. Applicant is without knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 29.

30. Denied.

31. Applicant admits that Opposer seeks registration of LOULU for “Cosmetics, face cleansers, non-medicated skin exfoliation preparations, skin masks, skin toner, beauty serums, sun block, face oil” and Applicant seeks registration of  for “Shampoos, Hair Conditioner, Hair Mousse, Hair Gel, Hair Pomades, Hairspray, Sea salt styling spray for hair,

Lipstick, Lip liner, Lip gloss, Eye shadow, Eyeliner, Mascara, Blush, Skin bronzer, Foundation, Face powder, Skin cream, Body lotion, and Facial masks” and denies the remaining allegations of paragraph 31.

32. Applicant admits that the records of the USPTO show that Applicant and Opposer seek to protect marks in International Class 003.

33. Applicant admits that the records of the USPTO show that, in their respective descriptions of goods and services, Opposer’s Application uses the vague word “cosmetics” and that Applicant’s application does not (see answer to paragraph 31), and that Opposer’s and Applicant’s applications both use the word “masks.” Applicant denies the remaining allegations of paragraph 33.

34. Denied.

35. Denied.

36. Denied.

37. Denied.

AFFIRMATIVE DEFENSES

1. Applicant owns trademark rights superior to those of Opposer. Without limitation, the mark CHEZ LOULOU was first used in December 2012 for an upscale and full service salon where, continuously since that time, Applicant has provided beauty salon services, hair salon services, nail care services, skin care services, and has sold a variety of personal care products, including shampoos, hair conditioner, hair mousse, hair gel, hair pomades, hairspray, sea salt styling spray for hair, lipstick, lip gloss, eye shadow, eyeliner, mascara, blush, skin bronzer, foundation, face powder, skin cream, body lotion,

and facial masks.

2. Applicant owns U.S. Registration No. 4,998,337 for the word mark, CHEZ LOULOU SALON, for “Beauty salon services; Hair salon services; Nail care salons; Skin care salons,” in International Class 044.

CONCLUSION

Applicant requests that the Notice of Opposition be dismissed and that Application Serial No. 87/185,047 proceed to registration.

Respectfully submitted,
Bodman PLC

Dated: June 6, 2017

By: 
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Certificate of Service

I hereby certify that a true and complete copy of the foregoing "Answer and Affirmative Defenses of Applicant Atelier, Inc., dba Chez Loulou" has been served on Applicant Sarofima, LLC by email upon counsel for Opposer:

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I declare the statements above are true to the best of my information, knowledge and belief.

Dated: June 6, 2017

By: 
Mary Poupard