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

Proceeding	91234701
Party	Defendant Ellis, Cassidy M.
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Submission	Answer
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Date	06/30/2017
Attachments	Answer_rev1.pdf(35828 bytes)

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

In the matter of Trademark Application Serial No. 87149184
for the trademark: THE REAL STYLE YOU
Published in the *Official Gazette* on January 24, 2017

TVI, Inc.,)	
)	
Opposer,)	
)	Opposition No.: 91234701
vs)	
)	
Cassidy M. Ellis,)	
Applicant,)	

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Cassidy M. Ellis (“Applicant”), for its answer to the Notice of Opposition filed by TVI, Inc. (“Opposer”) on May 23, 2017 against registration of the mark THE REAL STYLE YOU, shown in U.S. Trademark Application Serial No. 87/149,184 (the “Mark”), hereby responds to the opposition as follows:

Paragraph 1: Applicant is without sufficient knowledge or information to admit or deny the allegations set forth in Paragraph 1 and, therefore, denies the same.

Paragraph 2: Applicant is without sufficient knowledge or information to admit or deny the allegations set forth in Paragraph 2 and, therefore, denies the same.

Paragraph 3: Applicant is without sufficient knowledge or information to admit or deny the allegations set forth in Paragraph 3 and, therefore, denies the same.

Paragraph 4: Applicant is without sufficient knowledge or information to admit or deny the allegations set forth in Paragraph 4 and, therefore, denies the same.

Paragraph 5: Applicant is without sufficient knowledge or information to admit or deny the allegations set forth in Paragraph 5 and, therefore, denies the same.

Paragraph 6: Applicant is without sufficient knowledge or information to admit or deny the allegations set forth in Paragraph 6 and, therefore, denies the same.

Paragraph 7: Applicant is without sufficient knowledge or information to admit or deny the allegations set forth in Paragraph 7 and, therefore, denies the same.

Paragraph 8: Applicant is without sufficient knowledge or information to admit or deny the allegations set forth in Paragraph 8 and, therefore, denies the same.

Paragraph 9: Applicant is without sufficient knowledge or information to admit or deny the allegations set forth in Paragraph 9 and, therefore, denies the same.

Paragraph 10: Applicant is without sufficient knowledge or information to admit or deny the allegations set forth in Paragraph 10 and, therefore, denies the same.

Paragraph 11: Applicant is without sufficient knowledge or information to admit or deny the allegations set forth in Paragraph 11 and, therefore, denies the same.

Paragraph 12: Denied.

Paragraph 13: Denied.

Paragraph 14: Denied.

Paragraph 15: Denied.

GENERAL DENIAL

Any allegations in the Notice of Opposition not expressly admitted by Applicant are hereby denied. Having answered the Notice of Opposition, Applicant denies that Opposer is entitled to the relief by Opposer or any relief whatsoever.

AFFIRMATIVE DEFENSES

In further answer to the Notice of Opposition, Applicant asserts as separate and affirmative defenses:

First Affirmative Defense

1. The Notice of Opposition and each paragraph thereof, taken individually or collectively, fails to state a basis for the relief sought.

Second Affirmative Defense

2. The Opposition is barred since the Applicant's Mark THE REAL STYLE YOU is so dissimilar to Opposer's registrations for RESTYLE STORE; RECYCLE, REUSE, RESTYLE; and RESTYLE, that there is no valid claim of likelihood of confusion.

Third Affirmative Defense

3. In the alternative, even if the Board finds a likelihood of confusion between the Applicant's Mark THE REAL STYLE YOU and Opposer's registrations for RESTYLE STORE; RECYCLE, REUSE, RESTYLE; and RESTYLE, Applicant is at least entitled to a registration with a restriction to Class 035 for "On-line retail store services featuring new and used luxury goods; On-line retail store services featuring new and used handbags; On-line retail store services featuring authenticated luxury goods; On-line retail store services featuring authenticated new and used handbags", since, the instant descriptions of Goods/Services will avoid any likelihood of confusion because Opposer is not using its registrations, or the Mark at issue in this opposition, to sell the same or similar goods or to provide the same or similar services. Moreover, Opposer's registrations are distinctly used in physical retail store (not online stores).

4. Applicant reserves the right to plead additional affirmative defenses after a reasonable opportunity to complete discovery.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be denied and dismissed in its entirety, and that a Notice of Allowance issue to Applicant for the Mark THE REAL STYLE YOU.

Respectfully submitted,

By: /s/Joshua S. Schoonover
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Dated: June 30, 2017

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION has been served on Don E. Dascenzo, counsel for Opposer, by forwarding said copy on June 30, 2017, via email to:

ddascenzo@insleebest.com,
jkovalenko@insleebest.com,
cpirnke@insleebest.com, and
mleen@insleebest.com.

Signature: /s/Joshua S. Schoonover, Esq.

Date: June 30, 2017