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

Proceeding	91246431
Party	Defendant HONGKONG YINGHUI INTERNATIONAL TRADING CO., LIMITEDO., LIMITED
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Submission	Answer
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Date	03/27/2019
Attachments	Answer to Notice of Opposition.pdf(100988 bytes)

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

LULU’S FASHION LOUNGE LLC,

Opposer,

v.

Opposition No. 91246431

HONGKONG YINGHUI INTERNATIONAL
TRADING CO, LIMITED,

Applicant.

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

In response to the Notice of Opposition (hereafter “Notice”) filed by LULU’S FASHION LOUNGE LLC (hereafter “Opposer”) on February 14, 2019, the Applicant, HONGKONG YINGHUI INTERNATIONAL TRADING CO, LIMITED (hereafter “Applicant”), answers the Notice identified above as follows:

1. In response to the allegations of paragraph 1 of the Notice, the Applicant is without knowledge.
2. In response to the allegations of paragraph 2 of the Notice, the Applicant is without knowledge.
3. In response to the allegations of paragraph 3 of the Notice, the Applicant is without knowledge.
4. In response to the allegations of paragraph 4 of the Notice, the Applicant is without knowledge.
5. In response to the allegations of paragraph 5 of the Notice, the Applicant is without knowledge.

6. In response to the allegations of paragraph 6 of the Notice, the Applicant is without knowledge.
7. In response to the allegations of paragraph 7 of the Notice, the Applicant is without knowledge.
8. Applicant admits it filed Application Serial No. 88/053,110 for the composite mark LULUGAL on July 25, 2018, claiming a date of first use of at least as early as April 25, 2018. Applicant admits that Application Serial No. 88/053,110 was published on January 15, 2019. Any and all other allegations contained within paragraph 8 are denied.
9. Applicant admits that it seeks registration for “Aprons; Babies' trousers; Baby layettes for clothing; Baby tops; Bathrobes; Bikinis; Blazers; Blouses; Boots; Bras; Bustiers; Camisoles; Capes; Clothing for babies, toddlers and children, treated with fire and heat retardants, namely, pajamas, jackets, shirts, pants, jumpers; Coats; Costumes for use in children's dress up play; Dresses; Footwear; Footwear, namely, pumps; Gloves; Hats; Heels; Jackets; Jumpers; Jumpsuits; Kimonos; Knitwear, namely, knit tops, knit bottoms; Leggings; Lingerie; Negligees; Night gowns; Pajamas; Pants; Parkas; Rainwear; Sandals; Scarves; Shawls; Shirts; Shoes; Shorts; Socks; Sweaters; Sweatshirts; Swimwear; T-shirts; Tank tops; Trousers; Vests; Women's shoes, namely, foldable flats; Belts for clothing; Platform shoes.” Any and all other allegations contained within paragraph 9 are denied.
10. In response to the allegations of paragraph 10 of the Notice, the Applicant is without knowledge.
11. In response to the allegations of paragraph 11 of the Notice, the Applicant is without knowledge.
12. Applicant denies the allegations of paragraph 12 of the Notice.

13. Applicant denies the allegations of paragraph 13 of the Notice.
14. Applicant denies the allegations of paragraph 14 of the Notice.
15. Applicant denies the allegations of paragraph 15 of the Notice.
16. Applicant denies the allegations of paragraph 16 of the Notice.
17. Applicant denies the allegations of paragraph 17 of the Notice.
18. Applicant denies the allegations of paragraph 18 of the Notice.
19. In response to the allegations of paragraph 19 of the Notice, the Applicant is without knowledge.

Affirmative Defenses

In further answer to the Notice, the Applicant asserts that:

First Affirmative Defense

20. Opposer's Notice fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the opposition.

Second Affirmative Defense

21. Upon information and belief, Opposer has no priority of use to the LULUGAL mark.

Third Affirmative Defense

22. There is no similarity between Applicant's mark and Opposer's mark as to appearance. Specifically, the Applicant's mark is for the words LULUGAL, whereas the Opposer's marks are for LULUS. Each respective mark contains different wording.

Fourth Affirmative Defense

23. The Opposer's marks do not sound like the Applicant's Mark. Specifically, the Applicant's Mark requires the pronunciation of the additional word GAL.

Fifth Affirmative Defense

24. Purchasers of goods sold along with the relevant marks are careful and sophisticated, thus making any confusion or mistake amongst potential overlapping consumers highly unlikely.

Sixth Affirmative Defense

25. The respective trademarks, as appears on each party's respective goods and services, do not create the same or overall commercial impression when viewed separately by the ordinary consumer.

Seventh Affirmative Defense

26. Ordinary Consumers would not confuse or conclude that the parties' products share a common source or affiliation or connection.

Eighth Affirmative Defense

27. On information and belief, Opposer's goods are more expensive than that of the Applicant; thus, Consumers are unlikely to purchase Opposer's goods supposing they derive from Applicant or vice versa.

Ninth Affirmative Defense

28. Opposer has no examples of any actual confusion amongst consumers with regards to Applicant's Mark and Opposer's marks.

Applicant reserves the right to amend this Answer to assert any additional affirmative defenses arising from any applicable facts or law that may be revealed during discovery.

Relief Requested

WHEREFORE, the Applicant asks that this Opposition proceeding be dismissed forthwith.

By: /Francis John Ciaramella/
Francis John Ciaramella, Esq.
Florida Bar No. 111927

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Dated: March 27, 2019

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer to Notice of Opposition has been served on the following via email:

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By: Francis John Ciaramella
Francis John Ciaramella, Esq.
Florida Bar No. 111927

Dated: March 27, 2019