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

Proceeding	91248727
Party	Defendant Douglas, Stacey RaShaun
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Serial No.: 88/268,315
For the Mark: SNEAKHER
Filed: January 19, 2019
Published in the Official Gazette on May 14, 2019

CHICKSPIRATION, LLC d/b/a CNK DAILY,)	
)	
Opposer,)	Opposition No. 91248727
)	
v.)	
)	
STACEE RASHAUN DOUGLAS,)	
)	
Applicant.)	
)	
)	

ANSWER TO NOTICE OF OPPOSITION

Stacee RaShaun Douglas (“**Applicant**”), by and through her undersigned counsel, hereby responds to the Notice of Opposition (the “**Opposition**”) filed by Opposer Chickspiration, LLC d/b/a CNK Daily (“**Opposer**”) in connection with Applicant’s application for registration of Applicant’s mark SNEAKHER (“**Applicant’s Mark**”), Trademark Application Serial No. 88/268,315 (“**App. ‘315**”) as follows:

1. With regards to the allegations in Paragraph 1, Applicant is without information or knowledge sufficient to form a belief as to the truth of Opposer’s commercial and creative activities in interstate commercial, including conducting events and providing information via an online blog. Applicant admits only that Opposer filed its application for registration of Opposer’s mark SneakHER (“**Opposer’s Mark**”), Trademark Application Serial No. 88/465,436 (“**App. ‘436**”) on June 9, 2019, alleging a first date of use as early as November 23, 2016, nearly six months after App. ‘315 was filed and nearly a month after Applicant’s Mark was published in

the *Official Gazette*. To the extent that a response may be required, Applicant denies all allegations contained in Paragraph 1.

2. With regards to the allegations in Paragraph 2, Applicant admits only that Opposer filed App. '436 on June 9, 2019, with the United States Patent and Trademark Office (“USPTO”), under a 1(a) filing basis for Opposer’s Mark for use in commerce with goods in International Class 025: “*Sportswear and active wear, namely, short sleeved t-shirts, long sleeved t-shirts, pullover hooded sweatshirts, pullover shirts, tank tops, hooded jackets, pullover jackets, light weight jackets, outerwear jackets, leggings; clothing, namely, hats, headwear, jackets, jogging outfits, shirts, shorts, sports bras, socks, sun visors, sweat bands, sweat pants, sweat shirts, sweaters;*” and International Class 041: “*Educational, entertainment, and event services, namely, conducting seminars, conferences, workshops, and social events focusing on fashion, social media, business, and topics concerning women; Organizing and producing events and exhibitions; Organization of events for cultural purposes; Online journals, namely, blogs featuring content related to topics concerning women, fashion, culture, and business; Providing information, news, and commentary in the field of social media, essay commentary, non-fiction writing, and journalism.*” To the extent that a further response may be required, Applicant denies all allegations contained in Paragraph 2.

3. To the extent that Paragraph 3 contains any allegations pertaining to Applicant, Applicant denies such allegations. Further, Applicant is without information or knowledge sufficient to form a belief as to the truth of Opposer’s usage of Opposer’s Mark, whether at common law or otherwise, for clothing products or entertainment and educational services, and therefore, denies all allegations contained in Paragraph 3 and demands strict proof thereof.

4. With regards to the allegations in Paragraph 4, Applicant is without information or knowledge sufficient to form a belief as to the truth and extent, if any, of Opposer's investment and promotion of goods allegedly offered under Opposer's Mark and demands strict proof thereof. Applicant is further without information or knowledge sufficient to form a belief as to the truth and extent, if any, of the general public's following, knowledge, recognition, or association of Opposer and Opposer's Marks and any goods or services allegedly offered thereunder and demands strict proof thereof. To the extent a response is required, Applicant denies all allegations contained in Paragraph 4.

5. With regards to the allegations in Paragraph 5, Applicant is without information or knowledge sufficient to form a belief about the truth of the allegations that Opposer's Mark is distinctive as defined by the United States Trademark Act, 15 U.S.C. § 1125, or that Opposer's Mark became distinctive prior to the filing of App. '315 or Applicant's actual use or intended use of Applicant's Mark, and demands strict proof thereof.

6. With regards to the allegations in Paragraph 6, Applicant admits that she filed App. '315 on January 19, 2019, for use with the goods identified in App. '315 in International Class 025 under a § 1(b) filing basis under the Lanham Act, 15 U.S.C. § 1051. Applicant admits that Applicant's Mark was published in the *Official Gazette* on May 14, 2019. To the extent that any further response is required, Applicant denies all other allegations contained in Paragraph 6.

7. With regard to the allegations in Paragraph 7, Applicant denies that Applicant's Mark is identical to Opposer's Mark so as to create any likelihood of confusion when applied to Opposer's goods or deceive purchasers resulting in damage and detriment of Opposer or its reputation and demands strict proof thereof. Applicant is without information or knowledge sufficient to form a belief about the truth of Opposer's use of Opposer's Mark with apparel,

active wear, online blogs, or providing commentary on fashion and style, and demands strict proof thereof. Applicant further denies that Applicant's use of Applicant's Mark on clothing and apparel is likely to further strengthen the public's connection of Applicant's merchandise with Opposer's allegedly established and respected brand, and thus, demands strict proof thereof. To the extent that any further response is required, Applicant denies all allegations in Paragraph 7.

8. With regards to the allegations in Paragraph 8, Applicant is without information or knowledge sufficient to form a belief about the truth of any allegations that Applicant's Mark, when used with the goods identified in App. '315, is likely to cause confusion, cause mistake, or deceive any customer, follower, reader, attendee, or member of the general public with those goods identified in App. '436 allegedly used with Opposer's Mark, or that any customer, follower, reader, attendee, or member of the general public would be or had been misled into believing that Applicant's goods under Applicant's Mark emanate from, are designed and curated by, or are in some way directly or indirectly associated with, approved by or endorsed by Opposer, and demands strict proof thereof. Applicant denies that Opposer or its reputation will be damaged by registration of Applicant's Mark shown in App. '315 and demands strict proof thereof. To the extent that any further response is required, Applicant denies all allegations in Paragraph 8.

9. With regards to the allegations in Paragraph 9, Applicant is without information or knowledge sufficient to form a belief about the truth of any allegations that Opposer will be damaged by the registration of Applicant's Mark shown in App. '315 and demands strict proof thereof. Applicant is further without information or knowledge sufficient to form a belief about the truth of any allegations that Applicant's Mark is substantially similar to Opposer's Mark, the existence of any common law rights of Opposer in the use of Opposer's Mark, or that

Applicant's use and registration of Applicant's Mark in connection with the goods identified in App. '315 would directly compete with Opposer's use and registration of Opposer's Mark in connection with the goods identified in App. '436 or any clothing items offer to the public by Opposer and demands strict proof thereof.

Further answering, Applicant denies all facts and allegations not specifically admitted herein.

Date: July 19, 2019

Respectfully submitted,

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CERTIFICATE OF SERVICE

Pursuant to TBMP R. 113 and 37 CFR § 2.119, I hereby certify that on July 19, 2019, a true copy of this document was served via email upon the following attorney of record for Opposer, Krystal Johnson, 7095 Hollywood Blvd., #592, Los Angeles, CA 90028, Krystalcjohnson@gmail.com and krystalesq@kcjlawfirm.com.

By: /s/ Andrea Harris
Andrea Harris