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

Proceeding	91251206
Party	Defendant Leroy Steele
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Submission	Answer
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Date	11/17/2019
Attachments	ANSWER TO OPPOSITION.pdf(132096 bytes )

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

LEROY STEELE,

Registrant

v.

Ralph's Sportswear, LLC dba Allegiance,

Opposer

Opposition No. 91251529

**ANSWER**

In the matter of the opposition of Ralph's Sportswear, LLC dba Allegiance of Escondido, California (hereinafter "Opposer") against the registration of the trademark YAHWEH ALLEGIANCE Application Serial No. 88/305,539. Leroy Steele (hereinafter "Registrant") denies that any damage will be ensued by registration of the mark shown in Application Serial No. 88/305,539 and hereby responds to said opposition.

The answer to opposing claims are as follows:

1. Opposer can continue their engagements in extensive development, advertising, marketing of other things, shirts, t-shirts, pants, shorts, jackets, hats, visors and wearing apparel products. YAHWEH ALLEGIANCE does not pose any threat of confusion to ALLEGIANCE (PLUS DESIGN) and ALLEGIANCE, by placing YAHWEH in front of ALLEGIANCE thus thereby changes the brand both visually and aurally, preventing brand confusion. Moreover, the classes of purchasers are anticipated to be dissimilar as the predominant word YAHWEH presents the brand as a faith/religious-based brand, targeting the associated population.

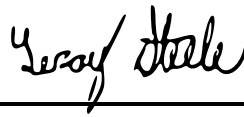
2. Opposer can continue to conduct business as usual with assurance that the brands are not the same, as dissimilarities are displayed by the wording.
3. Opposer can continue to invest in ALLEGIANCE trademarks and upkeeping highest quality knowing that YAHWEH ALLEGIANCE can not and will not be associated with ALLEGIANCE trademarks.
4. Extensive use of the ALLEGIANCE Trademarks by Opposer, such marks can and will function as a valuable business and marketing asset of Opposer and the trade and consuming public will be able to distinguish ALLEGIANCE from YAHWEH ALLEGIANCE, considering the religious association of YAHWEH.
5. Opposer can continue using United States Trademark Registration No. 4,029,600, registered September 20, 2011, for the mark ALLEGIANCE (PLUS DESIGN) for the goods set forth in that registration. YAHWEH ALLEGIANCE trademark is not conflicting with ALLEGIANCE (PLUS DESIGN).
6. Opposer can continue using United States Trademark Registration No. 5,156,587, registered March 7, 2017, for the mark ALLEGIANCE for the goods set forth in that registration. YAHWEH ALLEGIANCE trademark is not conflicting with ALLEGIANCE.
7. YAHWEH ALLEGIANCE was filed in International class 025 on February 18, 2019 after searching all existing trademarks and seeing no conflicts with YAHWEH ALLEGIANCE. The filing of Opposition No. 91251529 by Opposer was thereafter needless.
8. The mark YAHWEH ALLEGIANCE set forth in the subject application for the goods listed in International Class 025 is in no way similar to Opposer's ALLEGIANCE Trademarks, as the use of YAHWEH with ALLEGIANCE removes all confusion. Which thereby justifies registration and use by Registrant on the goods claimed in the subject application in International Class 025 which are not likely to cause confusion, deception or mistake.
9. Registrant's use of the mark YAHWEH ALLEGIANCE does not interfere with Opposer's use of its ALLEGIANCE Trademarks and has no connection to Opposer's ALLEGIANCE Trademarks,

and use of, or registration of, the mark YAHWEH ALLEGIANCE by Registrant will have no damage to Opposer.

Wherefore, Registrant confirms that there will be no damage to Opposer's ALLEGIANCE trademarks and requests that this opposition be dismissed and Registrant's trademark application be approved.

Respectfully,

LEROY STEELE

A handwritten signature in black ink that reads "Leroy Steele". The signature is written in a cursive style with a prominent "L" and "S".

Dated: November 16, 2019

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Defendant

119-30 203<sup>rd</sup> Street

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