

ESTTA Tracking number: **ESTTA1185219**

Filing date: **01/18/2022**

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

Proceeding no.	91273583
Party	Defendant Lewis, Jeremiah James
Correspondence address	LEWIS, JEREMIAH JAMES PO BOX 854 NEW CANAAN, CT 06840 UNITED STATES Primary email: 2013jlewis@gmail.com 203-594-1333
Submission	Answer
Filer's name	Jeremiah James Lewis
Filer's email	2013jlewis@gmail.com
Signature	/JeremiahJamesLewis/
Date	01/18/2022
Attachments	MCAHH-opposition-reply-01-18-2022.pdf(105001 bytes) MCAHH-PDF-Jan18-2022.pdf(109808 bytes)

January 18, 2022

Answer to Notice of Opposition

The Applicant, Jeremiah James Lewis, PO Box 854, New Canaan, Connecticut, United States 06840 herein replies to the Opposer, McDonald's Corporation, with offices at 110 N. Carpenter Street, Chicago, Illinois 60607 with regards to Notice of Opposition dated 12/21/2021. The Applicant herein assumes the Opposition is to Application Serial No. 90457277.

1. The Applicant's interest in the registration is for seasonal holiday use for the sales of coffee mugs, cooking utensils, and labels, which are marked by the holiday acronym MCAHH representing Merry Christmas And Happy Holidays. This mark doubles as a two-syllable slogan. The Applicant plans to use this along with the MCAHNY (pronounced McKay Nee) registration in use, which represents Merry Christmas And Happy New Year.
2. The Answer to the Notice of Opposition is being timely submitted.
3. This statement is not disputed.
4. The intended use by the Applicant is not to compete with the Opposer's use of the "Mc" marks and is prevented by the planned seasonal holiday use targeting the faith community and items not sold by the Opposer. Furthermore, the holiday acronym is defined on the products with the mark. (A coffee mug example will follow.)
5. The registration of the mark does not include a specific font, and to prevent mis-identification concerns allows the selection of any font not used by the Opposer. The current and planned future use of the mark is unlike the Opposer's use of a small case c following the capitalized M to allow for distinction as in the example.
6. The Applicant has reviewed the Opposer's claim to the registrations cited and does not dispute the registrations, though the Applicant did not confirm the registrations at present.
7. The Opposer's valid prior registrations are not disputed though the Applicant did not confirm them.
8. The Applicant agrees.
9. The Applicant disagrees that the Opposer can lay claim to most marks which begin with "Mc." This is an overly broad restriction and demand. The applicant has registered the mark MCAHNY (pronounced McKay Nee) in 2021 with the acronym meaning provided in item #1.
10. The Applicant has no intent to trade-off the goodwill and recognition associated with the Opposer's trademarks.
11. The holiday mark, with the seasonal use, the allowance of original color, size, font, artistic presentation, will be used along with the provided acronym meaning to avoid confusion.
12. The Applicant disagrees that this will impair the distinctiveness of the Opposer's family of marks.
13. The Applicant disagrees that the mark will confuse the public and result in injury to the Opposer and public.

Jeremiah James Lewis



MCAHH™

**Merry
Christmas
And
Happy
Holidays!**