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

Proceeding	91226115
Party	Defendant Annaclassic Media Productions LLC, Mudyariwa Prince Farai
Correspondence Address	ANNACLASSIC MEDIA PRODUCTIONS LLC Annaclassic Media Productions Llc 2761 Kelley Chapel Rd Decatur, GA 30034-2206 pmudyariwa@yahoo.co.uk;curvescity@gmail
Submission	Answer
Filer's Name	PRINCE FARAI MUDYARIWA
Filer's e-mail	pmudyariwa@yahoo.co.uk
Signature	/PRINCE FARAI MUDYARIWA/
Date	03/11/2016
Attachments	Certificate of Service.pdf(132570 bytes) Full Answer.pdf(1466178 bytes)

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the applicant's Answer to the Notice of Opposition has been served on opposing counsel by mailing said copy on March 12, 2016, by electronic mail and by via First Class Mail, postage prepaid to:

Melanie J. Howard
Sara J. Crisafulli
10100 Santa Monica Blvd, Suite 2200
Los Angeles, CA 90067


PRINCE FARAI MUDYARIWA

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

In the Matter of:
Application Serial No. 86555235
Published in the Official Gazette
August 04, 2015

HOME BOX OFFICE, INC.,

Opposer,

v.

Opposition No. 91226115

ANNACLASSIC MEDIA
PRODUCTION LLC and
PRINCE FARAI MUDYARIWA,

Applicant.

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant, Prince Farai Mudyariwa, and applicant, Annaclassic Media Productions LLC composed of Prince Farai Mudyariwa, for his/its answer to notice of opposition filed by Home Box Office, Inc. ("Opposer"), against application for registration of Prince Farai Mudyariwa and Annaclassic Media Productions' trademark, CURVES AND THE CITY, Serial No. 86555235, filed March 5, 2015, and published in the Official Gazette of August 4, 2015, pleads and avers as follows:

1. Answering Paragraph 1 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a believe as to the allegations contained therein and accordingly denies the allegations.
2. Answering Paragraph 2 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a believe as to the allegations contained therein and accordingly denies the allegations.

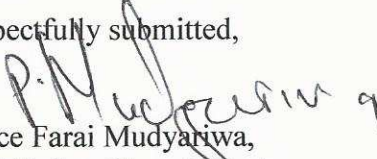
3. Answering Paragraph 3 of the Notice of Opposition, Applicant admits that the marks are registered to Opposer. As to the allegation that some of the Opposer's marks are incontestable, Applicant does not have sufficient knowledge or information to form a believe as to the allegations contained therein and accordingly denies the allegations.
4. Answering Paragraph 4 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a believe as to the allegations contained therein and accordingly denies the allegations.
5. Answering Paragraph 5 of the Notice of Opposition, Applicant admits the allegations thereof.
6. Answering Paragraph 6 of the Notice of Opposition, Applicant denies allegations in paragraphs 1, 2, 4 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a believe as to the allegations contained therein and accordingly denies the allegations. In paragraph 3, Applicant admits that the marks are registered to Opposer. In paragraph 3, as to the allegation that some of the Opposer's marks are incontestable, Applicant does not have sufficient knowledge or information to form a believe as to the allegations contained therein and accordingly denies the allegations. Applicant admits allegations in paragraph 5 of the Notice of Opposition.
7. Answering Paragraph 7 of the Notice of Opposition, Applicant denies each and every allegation contained therein.
8. Answering Paragraph 8 of the Notice of Opposition, Applicant denies allegations in paragraphs 1, 2, 4, of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a believe as to the allegations contained therein and accordingly denies the allegations. In paragraph 3, Applicant admits that the marks are registered to Opposer. In paragraph 3, as to the allegation that some of the Opposer's marks are incontestable, Applicant does not have sufficient knowledge or information to form a believe as to the allegations contained therein and accordingly denies the allegations. Applicant denies Allegations in paragraphs 7. Applicant denies the reallegations in paragraph 6 concerning the allegations already denied. Applicant admits to the reallegations in paragraph 6 concerning the allegations already admitted to.
9. Answering Paragraph 9 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a believe as to the allegations contained therein and accordingly denies the allegations.
10. Answering Paragraph 10 of the Notice of Opposition, Applicant denies each and every allegation contained therein
11. Answering Paragraph 11 of the Notice of Opposition, Applicant denies allegations in paragraphs 1, 2, 4, 9, of the Notice of Opposition, Applicant does not have sufficient


knowledge or information to form a believe as to the allegations contained therein and accordingly denies the allegations. In paragraph 3, Applicant admits that the marks are registered to Opposer. In paragraph 3, as to the allegation that some of the Opposer's marks are incontestable, Applicant does not have sufficient knowledge or information to form a believe as to the allegations contained therein and accordingly denies the allegations. Applicant admits allegations in paragraph 5. Applicant denies allegations in paragraphs 7 and 10. Applicant denies the reallegations in paragraph 6 concerning the allegations already denied. Applicant admits to the reallegations in paragraph 6 concerning the allegations already admitted to. Applicant denies the reallegations in paragraph 8 concerning the allegations already denied. Applicant admits to the allegations in paragraph 8 concerning the allegations already admitted to.

12. Answering Paragraph 12 of the Notice of Opposition, Applicant denies each and every allegation contained therein
13. Applicant further affirmatively alleges that there is no likelihood of confusion, mistake or deception because, CURVES AND THE CITY, Applicant's mark and the pleaded marks of the Opposer, SEX AND THE CITY, are not confusingly similar and therefore consumers are not likely to believe that Applicant's services are Opposer's services or the services of a person or company that is sponsored, authorized or licensed by, or in some other way legitimately connected with, Opposer.
14. Applicant further affirmatively alleges that there is no likelihood of dilution of Opposer's marks either by blurring or tarnishment, there is no likelihood of confusion, mistake or deception because, CURVES AND THE CITY, Applicant's mark and the pleaded marks of the Opposer, SEX AND THE CITY, are not confusingly similar, and because Opposer's marks are associated with a scripted plot based television series whereas Applicant's mark is associated with real life celebrity news, articles, women empowerment issues and interviews. Applicant's use of the mark, CURVES AND THE CITY, is elegant, very professional, quality controlled and is used in good faith.
15. Applicant's use of CURVES AND THE CITY, in connection with Applicants services does not suggest a connection with opposer's mark because the marks are not confusingly similar. Also consumers know that Opposer's mark, SEX AND THE CITY, is associated with a scripted plot based television series whereas Applicant's mark, CURVES AND THE CITY, is associated with news, articles, women empowerment issues and interviews and therefore consumers are not likely to see a suggestion of connection.
16. Applicant further affirmatively alleges that as a result of its continuous substantial usage of its mark, CURVES AND THE CITY, this mark is a valuable asset of Applicant, and carries considerable goodwill and consumer acceptance of its products sold under mark. Such goodwill and widespread usage has made the mark distinctive to the Applicant.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed and that the mark, CURVES AND THE CITY, be allowed registration.

Respectfully submitted,

By 
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Applicant

By 
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