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Filing date: **04/21/2011**

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

Proceeding	91199017
Party	Defendant Jennifer Cress
Correspondence Address	Kyle T. Peterson Patterson Thuente Christensen Pedersen, 4800 IDS CENTER 80th South 8th Street Minneapolis, MN 55402  trademark@ptslaw.com
Submission	Answer
Filer's Name	Kyle T. Peterson
Filer's e-mail	trademark@ptslaw.com
Signature	/s/ Kyle T. Peterson
Date	04/21/2011
Attachments	Answer to Notice of Opposition-CREEM.pdf ( 5 pages )(83779 bytes )

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

In the Matter of Application Serial No. 85066550  
For the mark: CREEM  
Filed: June 18, 2010  
Published: November 16, 2010

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CREEM Enterprises, Inc.,	:	
Opposer,	:	Opposition No. 91199017
	:	
v.	:	<b>ANSWER TO NOTICE OF</b>
	:	<b>OPPOSITION</b>
	:	
Jennifer Cress,	:	
Applicant.	:	
-----X	:	

Jennifer Cress (“Applicant”), a United States Citizen with address at 681 17<sup>th</sup> Ave. NE, Minneapolis, MN 55413-4590, answers the Notice of Opposition filed by CREEM Enterprises, Inc. (“Opposer”) as follows:

1. Applicant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in Opposer’s first numbered paragraph and therefore denies same.
2. Applicant admits the allegations contained in Opposer’s second numbered paragraph.
3. Applicant admits the allegations contained in Opposer’s third numbered paragraph.
4. Applicant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in Opposer’s fourth numbered paragraph and therefore denies same.

5. Applicant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in Opposer's fifth numbered paragraph and therefore denies same.
6. Applicant lacks information sufficient to form a belief as to the truth or falsity of the allegations contained in Opposer's sixth numbered paragraph and therefore denies same.
7. Applicant denies the allegations contained in Opposer's seventh numbered paragraph.
8. Applicant denies the allegations contained in Opposer's eighth numbered paragraph.
9. Applicant denies the allegations contained in Opposer's ninth numbered paragraph.
10. Applicant denies the allegations contained in Opposer's tenth numbered paragraph.

#### **AFFIRMATIVE DEFENSES**

1. Opposer's Notice of Opposition fails to state a claim upon which relief can be granted.
2. Opposer has no standing to assert the claims set forth in Notice of Opposition.
3. Opposer's claims are precluded by the Doctrine of Estoppel.
4. Opposer's claims are precluded by the Doctrine of Acquiescence.
5. Opposer's claims are precluded by the Doctrine of Waiver.
6. Opposer's claims are precluded by the Doctrine of Laches.
7. Opposer's claims are precluded by the Doctrine of Unclean Hands.

8. Opposer's claims are precluded by the Doctrine of Res Judicata.
9. Opposer has abandoned its alleged trademark rights to the mark CREEM and has not used the CREEM mark for well more than the last three years.
10. Opposer has not used the CREEM mark for 36 consecutive months.
11. Applicant's Application No. 85066550 filed June 18<sup>th</sup>, 2010 has priority over Opposer's alleged rights to the CREEM mark.
12. Opposer has failed to maintain its alleged CREEM mark as a source identifier.
13. Applicant's trademark for CREEM is not confusingly similar to any valid trademark of Opposer.
14. Opposer is not damaged by registration of the mark CREEM.

Applicant reserves the right to amend its answer to add additional affirmative defenses as may become necessary after a reasonable opportunity to conduct comprehensive discovery.

WHEREFORE, Applicant requests dismissal of the Notice of Opposition and issuance of a registration of its Application Serial No. 85066550 and such other and further relief as may be just and proper.

Dated April 21, 2011

Respectfully submitted,

PATTERSON THUENTE  
CHRISTENSEN PEDERSEN, P.A.

By: /s/ Kyle T. Peterson  
Kyle T. Peterson  
4800 IDS Center  
80 South Eighth Street  
Minneapolis MN 55402-2100  
Telephone: (612) 252-1554  
Facsimile: (612) 349-9266

*Attorneys for Applicant Jennifer Cress*

**CERTIFICATE OF TRANSMITTAL**

I hereby certify that a true copy of the foregoing ANSWER TO NOTICE OF OPPOSITION is being filed electronically with the TTAB via ESTTA on this day, April 21st, 2011.

*/s/ Kyle T. Peterson* \_\_\_\_\_  
*Attorney for Applicant Jennifer Cress*

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	:	<b>OPPOSITION</b>
Jennifer Cress,	:	
Applicant.	:	
-----X	:	

**CERTIFICATE OF SERVICE**

This is to certify that a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION has been served on Opposer by depositing said copy with the United States Postal Service as First Class Mail, postage prepaid, in an envelope addressed to:

Jason Turner  
CREEM Enterprises, Inc.  
936 Southwood Blvd. Suite 201  
Incline Village, NV 89451

Dated: April 21, 2011

/s/ Kyle T. Peterson  
*Attorney for Applicant Jennifer Cress*