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

Proceeding	91199656
Party	Defendant KTW ENTERPRISES, LTD
Correspondence Address	LEONARD D DUBOFF ESQ THE DUBOFF LAW GROUP LLC 6665 SW HAMPTON STREET SUITE 200 PORTLAND, OR 97223-8357 lduboff@dubofflaw.com
Submission	Answer
Filer's Name	Sarah Z. Cohen
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Signature	/s/ Sarah Z. Cohen
Date	06/13/2011
Attachments	Answer to Opposition.pdf (6 pages)(29308 bytes)

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

In the Matter of trademark application Serial No. 85/057,245
Filed: May 4, 2011
For the mark: K2

BOUNCING BEAR BOTANICALS, INC.)	
AND BRAD MILLER,)	
)	Opposition No. 91199656
Opposer,)	
)	ANSWER TO OPPOSITION
v.)	
)	
KTW ENTERPRISES, LTD., an Oregon)	
corporation,)	
)	
Applicant.)	

Applicant KTW Enterprises, LTD., (“Applicant”), hereby responds to the Notice of Opposition of Bouncing Bear Botanicals, Inc. and Brad Miller, (“Opposer”) as follows:

1.

Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Opposition and therefore denies such allegations.

2.

Applicant denies paragraph 2 of the Opposition.

3.

Applicant denies paragraph 3 of the Opposition.

4.

Applicant admits paragraph 4 of the Opposition.

5.

Applicant denies paragraph 5 of the Opposition.

6.

Applicant denies paragraph 6 of the Opposition.

7.

Applicant admits paragraph 7 of the Opposition.

8.

Applicant admits paragraph 8 of the Opposition.

9.

Applicant denies paragraph 9 of the Opposition.

10.

Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Opposition and therefore denies such allegations.

11.

Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Opposition and therefore denies such allegations.

12.

Applicant admits paragraph 12 of the Opposition.

13.

Applicant admits paragraph 13 of the Opposition.

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14.

Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Opposition and therefore denies such allegations.

15.

Applicant admits paragraph 15 of the Opposition.

16.

Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the Opposition and therefore denies such allegations.

17.

Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of the Opposition and therefore denies such allegations.

18.

Applicant denies paragraph 18 of the Opposition.

19.

Applicant denies paragraph 19 of the Opposition.

20.

Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 20 of the Opposition and therefore denies such allegations.

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21.

Applicant denies paragraph 21 of the Opposition

22.

Applicant denies paragraph 22 of the Opposition.

23.

Applicant denies paragraph 23 of the Opposition.

24.

Applicant denies paragraph 24 of the Opposition.

25.

Applicant denies paragraph 25 of the Opposition.

26.

Applicant denies paragraph 26 of the Opposition.

WHEREFORE, Applicant respectfully requests that the registration of the mark K2, as requested by Application Serial No. 85/057,245 be granted and that this opposition be denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

1. The Opposition must fail because it fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

(Prior Use)

1. The Opposition must fail because Applicant began using the Mark K2 in connection with the marketing of incense before Opposer began using the mark Top K2 in connection with the marketing of incense.

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2. The Opposition must fail because Applicant's predecessor in interest began using the Mark K2 in connection with the marketing of incense before Opposer began using the mark Top K2 in connection with the marketing of incense.

DATED this 13th day of June 2011

THE DUBOFF LAW GROUP, LLC

By: /s/ Sarah Z. Cohen
Sarah Z. Cohen, Esq.
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Attorneys for Applicant

CERTIFICATE OF FILING

I hereby certify that this ANSWER TO OPPOSITION to U.S. Trademark Application Serial No. 85/057,245 for the mark K2 is being filed with the Trademark Trial and Appeal Board using the ESTTA filing system of the U.S. Patent and Trademark Office on the below date.

Date: June 13, 2011 _____ Sarah Z. Cohen _____

CERTIFICATE OF SERVICE

I hereby certify that this ANSWER TO OPPOSITION to U.S. Trademark Application Serial No. 85/057,245 for the mark K2 is being duly served upon the Opposer's Attorney of Record by mailing a copy thereof via the U.S. Postal Service in a sealed envelope as first-class mail with postage thereupon fully prepaid and addressed to:

Rebecca J. Wempe
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Date: June 13, 2011

Amanda C. Purvis