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

Proceeding	91200385
Party	Defendant Wasp Enterprises
Correspondence Address	WASP ENTERPRISES WASP ENTERPRISES 1445 AMERICAN PACIFIC DR # 110-377 HENDERSON, NV 89074-7402 bobbybreezes@gmail.com
Submission	Answer
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Date	08/04/2011
Attachments	Katniss_Answer_08_04_11.pdf (6 pages)(23870 bytes)

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

In the Matter of Trademark Application No.: 85/163,163

Mark: KATNISS EVERDEEN

Filed on: October 28, 2010

Published for Opposition: March 15, 2011

Suzanne Collins,)	
)	
Opposer,)	
)	Opposition No. 91200385
vs.)	
)	
)	
Wasp Enterprises, LLC)	
)	
Applicant.)	

United States Patent and Trademark Office
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

ANSWER TO NOTICE OF OPPOSITION

Wasp Enterprises, LLC (“Applicant”), a limited liability company duly organized and existing under the laws of the State of Nevada, with a business address of 1445 American Pacific Drive, Ste. 110-377, Henderson, NV 89074, hereby submits its Answer to the Notice of Opposition filed by Suzanne Collins (“Opposer”) on June 23, 2011.

1. Applicant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 1 and therefore denies the same.
2. Applicant admits the allegations of paragraph 2.
3. Applicant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 3 and therefore denies the same.
4. Applicant is without knowledge or information sufficient to form a belief

as to the allegations of paragraph 4 and therefore denies the same.

5. Applicant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 5 and therefore denies the same.

6. Applicant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 6 and therefore denies the same.

7. Applicant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 7 and therefore denies the same.

8. Applicant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 8 and therefore denies the same.

9. Applicant admits the allegations of paragraph 9.

10. Applicant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 10 and therefore denies the same.

11. Applicant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 11 and therefore denies the same.

12. Applicant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 12 and therefore denies the same.

13. Applicant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 13 and therefore denies the same.

14. Applicant is without knowledge or information sufficient to form a belief as to the allegations of paragraph 14 and therefore denies the same.

15. Applicant denies the allegations of paragraph 15.

16. Applicant denies the allegations of paragraph 16.

17. Applicant is without knowledge or information sufficient to form a belief

as to the allegations of paragraph 17 and therefore denies the same.

18. Applicant denies the allegations of paragraph 18.

19. Applicant denies the allegations of paragraph 19.

AFFIRMATIVE DEFENSES

A. Opposer's Notice of Opposition fails to state a claim against Applicant upon which relief may be granted

B. Applicant intends to rely on the defense of unclean hands.

C. Applicant intends to rely on the defense of estoppel.

D. Applicant intends to rely on the defense of laches.

E. Applicant intends to rely on the defense of bad faith.

F. Applicant intends to rely on the defense of trademark misuse

G. Applicant intends to rely on the defense of fair use.

H. At all times, Applicant acted in a legally permissible way.

I. The Opposed Mark is not deceptive within the meaning of Section 2(a) of the Lanham Act.

J. Upon information and belief, Opposer's use of "KATNISS EVERDEEN" does not identify the name of an actual person, living or dead, and therefore, cannot be the basis by Opposer of a claim of false suggestion under Section 2(a) of the Lanham Act.

K. There is no dilution by blurring because Opposer does not own any trademarks that are sufficiently famous within the meaning of Section 43(d) of the Lanham Act to merit protection from dilution by blurring.

L. Opposer does not own any enforceable trademark rights to “KATNISS EVERDEEN”.

M. Upon information and belief, Opposer has not used “KATNISS EVERDEEN” as a trademark or service mark in interstate commerce prior to Opposer’s constructive use date of October 28, 2010, and thus the Opposed Mark has priority over Applicant’s application for “KATNISS EVERDEEN”.

N. Applicant hereby incorporates by reference those affirmative defenses enumerated in Rule 8 of the Federal Rules of Civil Procedure as if fully set forth herein. In the event further investigation or discovery reveals the applicability of any such defenses, Applicant reserves the right to seek leave of the Board to amend this Answer to Notice of Opposition to specifically assert any such defense. Such defenses are herein incorporated by reference for the specific purpose of not waiving any such defenses.

O. Pursuant to Rule 11 of the Federal Rules of Civil Procedure, all possible affirmative defenses may not have been alleged herein insofar as sufficient facts were not available after reasonable inquiry upon filing of this answer to complaint, and Applicant reserves the right to amend this Answer to Notice of Opposition as additional information becomes available.

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WHEREFORE, Applicant, having answered Opposer's Notice of Opposition, respectfully requests that the Notice of Opposition be denied and dismissed with prejudice, that Applicant's mark be allowed to be forward for issuance of a Notice of Allowance, costs and disbursements incurred herein, and such other further relief as may be deemed just and proper.

Respectfully submitted,

WASP ENTERPRISES, LLC

Dated: August 4, 2011

By: /s/Bob McLauchlan

Bob McLauchlan
Authorized Representative and Officer of
Wasp Enterprises, LLC
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** has been served on **Suzanne Collins** by mailing said copy on August 4, 2011, via First Class Mail, postage prepaid to:

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Attorneys for Opposer Suzanne Collins

/s/Bob McLauchlan _____
Bob McLauchlan