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

Proceeding	91204057
Party	Defendant Kabam, Inc.
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Submission	Answer
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Date	04/06/2012
Attachments	Answer to Opposition GLOBAL WARFARE.pdf (5 pages)(94010 bytes)

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

In the matter of Trademark Application

Serial No.: 85145554
By: Kabam, Inc.
For the Trademark: GLOBAL WARFARE

Activision Publishing, Inc.,

Opposer,

v.

Kabam, Inc.

Applicant.

Opposition No. 91204057

ANSWER AND AFFIRMATIVE DEFENSES

Kabam, Inc. (“Applicant”), by and through its counsel, hereby answers the Notice of Opposition by addressing each allegation and stating affirmative defenses.

Answering the preamble of the Notice of Opposition, Applicant is without knowledge or information sufficient to admit or deny Activision Publishing, Inc.’s (“Opposer”) incorporation and location, and its claim of damage, and on that basis denies such allegations. Answering the second part of the preamble, Applicant admits the current owner of the above-referenced application for GLOBAL WARFARE (the “Application”) is Kabam, Inc., with an address of 101 Redwood Shores Parkway, Suite 250, Redwood City, California, 94065, United States.

ANSWER

1. Answering the allegations of Paragraph 1 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 1, and on that basis, denies the allegations.

2. Answering the allegations of Paragraph 2 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 2, and on that basis, denies the allegations.

3. Answering the allegations of Paragraph 3 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 3, and on that basis, denies the allegations.

4. Answering the allegations of Paragraph 4 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 4, and on that basis, denies the allegations.

5. Answering the allegations of Paragraph 5 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 5, and on that basis, denies the allegations.

6. Answering the allegations of Paragraph 6 of the Notice of Opposition, Applicant admits it owns the mark GLOBAL WARFARE, filed October 5, 2010 with the U.S. Patent & Trademark Office (“PTO”), Ser. No. 85145554, for “Entertainment services, namely, providing on-line computer games,” in international class 41.

7. Answering the allegations of Paragraph 7 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 7, and on that basis, denies the allegations.

8. Answering the allegations of Paragraph 8 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 8, and on that basis, denies the allegations.

9. Answering the allegations of Paragraph 9 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 9, and on that basis, denies the allegations.

10. Answering the allegations of Paragraph 10 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 10, and on that basis, denies the allegations.

11. Answering the allegations of Paragraph 11 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 11, and on that basis, denies the allegations.

12. Answering the allegations of Paragraph 12 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 12, and on that basis, denies the allegations.

FIRST GROUND FOR RELIEF

Applicant asserts the following affirmative defenses without conceding that it has the burden of proof or burden of producing evidence with respect to any of these issues.

13. Applicant admits or denies the allegations of Paragraphs 1 through 12 as previously set forth herein.

AFFIRMATIVE DEFENSES

Applicant asserts the following affirmative defenses without conceding that it has the burden of proof or burden of producing evidence with respect to any of these issues.

1. Opposer's claims are barred by the doctrine of Acquiescence.
2. Opposer's claims are barred by the doctrine of Unclean Hands.
3. Applicant's acts are privileged and lawful.

4. Applicant hereby reserves all rights to assert additional defenses should Applicant learn of grounds for such defenses during the course of this proceeding.

Wherefore, Applicant respectfully requests that the Notice of Opposition be rejected and Applicant's Mark be allowed to proceed to registration.

Date: April 6, 2012

COBALT LLP

By: /s/ Tsan Abrahamson

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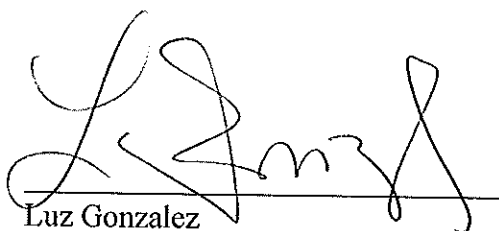
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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 6th day of April 2012, a true and correct copy of the foregoing ANSWER AND AFFIRMATIVE DEFENSES was served upon Opposer by U.S. First Class Mail in an envelope, postage pre-paid, addressed as follows:

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