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

Proceeding	91210715
Party	Defendant Transtrend B.V.
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Date	08/22/2013
Attachments	2013-08-22 Applicant's Answer to the Notice of Opposition (Transtrend)-c.pdf(154424 bytes)

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

TRANSAMERICA CORPORATION,)	
)	
Opposer,)	
)	Opposition No. 91210715
v.)	
)	
TRANSTREND B.V.,)	
)	
Applicant.)	
)	

APPLICANT'S ANSWER TO THE NOTICE OF OPPOSITION

Applicant, Transtrend B.V. ("Applicant"), by its undersigned counsel, answers the Notice of Opposition of Transamerica Corporation ("Opposer") regarding TRANSTREND (Standard Characters) (U.S. App. Ser. No. 79/115,620) ("Applicant's Mark"), as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 1 of the Notice of Opposition, and so denies the same and leaves Opposer to its proof.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 2 of the Notice of Opposition, and so denies the same and leaves Opposer to its proof.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 3 of the Notice of Opposition, and so denies the same and leaves Opposer to its proof.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 4 of the Notice of Opposition, and so denies the same

and leaves Opposer to its proof.

5. Applicant admits only that, according to the U.S. Patent & Trademark Office TSDR records, the registrations listed in Paragraph 5 have been issued by the U.S. Patent and Trademark Office and list Opposer as current owner. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations of Paragraph 5 of the Notice of Opposition, and so denies the same and leaves Opposer to its proof.
6. Applicant expressly denies that "TRANS" functions or is capable of functioning as the basis of Opposer's alleged family of marks. Applicant admits only that, according to U.S. Patent and Trademark Office's TSDR records, the registrations listed in Paragraph 6 have been issued by the U.S. Patent & Trademark Office and list Opposer as current owner. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in Paragraph 6 of the Notice of Opposition, and so denies the same and leaves Opposer to its proof.
7. Paragraph 7 of the Notice of Opposition constitutes a non-factual statement, requiring no response.
8. Applicant admits only that Opposer's filing of a Section 15 declaration has been acknowledged by the U.S. Patent and Trademark Office with respect to Reg. Nos. 718358, 1635682, 1536748, 1650333, 1672078, 2672415, 1731606, 1902999, 1934916, 1934916, 2218549, 2125499, 2125499, 2223978, 1424244, 1487796, 1364880, 2277415, 2514570, 2648195, 2717097, 2720613, 2761407, 2812729, 2836281, 3000511, 3022835, 3117788, 3131783, 3170495, 3204909, 3209503, and 3238738. The remaining allegations of Paragraph 8 constitute a legal conclusion to which no answer is required.

9. Applicant expressly denies that "TRANS" functions or is capable of functioning as the basis of Opposer's alleged family of marks. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in Paragraph 9 of the Notice of Opposition, and so denies the same and leaves Opposer to its proof.
10. Applicant admits that Applicant's mark is non-descriptive. Applicant denies the remaining allegations of Paragraph 10 of the Notice of Opposition.
11. Denied.
12. Denied.
13. Denied.
14. Applicant admits that its filing of Application Serial No. 79/115,620 was without license, authorization or permission by Opposer, but expressly denies that any such license, authorization or permission is required.
15. Applicant admits that Applicant will have statutory rights in Applicant's Mark upon registration. Applicant denies the remaining allegations of Paragraph 15 of the Notice of Opposition.

Affirmative Defenses

1. The Notice of Opposition fails to state a claim upon which relief can be granted.
2. Opposer's claim is estopped under the *Morehouse* doctrine, in light of Applicant's prior Federal Registration No. 2,723,185 for T TRANSTREND and Design for "financial services, namely, capital asset management and consultancy in respect thereof."
3. Opposer's claims are barred by the equitable doctrines of acquiescence, laches and/or estoppel.

4. Applicant's use of Applicant's Mark is not likely to cause confusion, mistake or deception as to the source or sponsorship of Applicant's services or as to affiliation between the parties with respect to each of Opposer's pleaded marks.

5. The Notice of Opposition fails to state a claim on which relief can be granted to the extent that Opposer has failed to plead priority of use of each of the marks pleaded by Opposer.

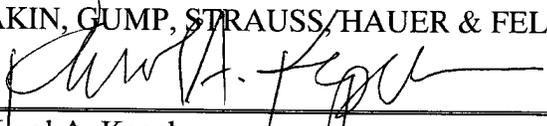
6. The descriptive element "TRANS" does not function and/or is incapable of functioning as a basis or "surname" for Opposer's alleged family of marks.

7. Third party use of marks and/or trade names containing or comprising a "TRANS" prefix in connection with financial services and/or services substantially similar or commercially related to those for which Opposer's pleaded marks are registered has rendered Opposer's pleaded marks not susceptible to a scope of protection that would preclude registration of Applicant's Mark for its services.

WHEREFORE, Applicant requests that Opposition No. 91210715 be dismissed with prejudice, and that a registration issue to Applicant for the mark of Application Serial No. 79/115,620.

Respectfully submitted,

AKIN, GUMP, STRAUSS, HAUER & FELD, L.L.P.



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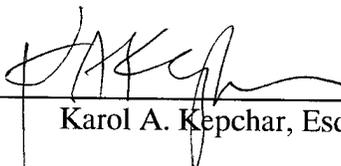
ATTORNEYS FOR APPLICANT

CERTIFICATE OF SERVICE

I hereby certify that the foregoing, Applicant's Answer to the Notice of Opposition was served via email and First Class Mail, postage prepaid, to the following:

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Dated: August 22, 2013

By: 
Karol A. Kepchar, Esq.