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

Proceeding	91210813
Party	Defendant Mike Ghorbani
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

SATA GmbH & Co. KG)	
)	Mark: MG EURO (Stylized/Design)
Opposer)	
v.)	Serial No.: 86/227768
Mike Ghorbani)	Opposition No. 91/217915
)	(as consolidated)
)	Opposition No. 91210813
)	Cancellation No. 92059849
Applicant)	

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION No. 91/217915

Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, Virginia 22313-1451

Dear Sir:

Applicant Mike Ghorbani (hereinafter “Applicant”), files this Answer and Affirmative Defenses denying the allegations of the Notice of Opposition filed by SATA GmbH & Co. KG (hereinafter “Opposer” or "SATA"), stating as follows:

1. Admitted.

2. Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the allegations contained in paragraph 2 of the Notice of Opposition, and, on that basis, denies each and every allegation therein.

3. Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the allegations contained in paragraph 3 of the Notice of Opposition, and, on that basis, denies each and every allegation therein.

4. Applicant denies that its spray guns are inferior and are sold to the same potential consumers. Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the additional allegations contained in paragraph 4 of the Notice of Opposition.

5. Applicant admits that the Opposer and the Applicant sell paint spray guns and there is a public interest in refusing registration of certain marks. Applicant denies each and every remaining allegation contain in Paragraph 5 of the Notice of Opposition.

6. Applicant denies each and every allegation contain in Paragraph 6 of the Notice of Opposition.

7. Applicant denies each and every allegation contain in Paragraph 7 of the Notice of Opposition.

8. Applicant denies each and every allegation contain in Paragraph 8 of the Notice of Opposition.

9. Applicant denies each and every allegation contain in Paragraph 9 of the Notice of Opposition.

10. Applicant denies each and every allegation contain in Paragraph 10 of the Notice of Opposition.

11. Applicant denies each and every allegation contain in Paragraph 11 of the Notice of Opposition.

12. Applicant denies each and every allegation contain in Paragraph 12 of the Notice of Opposition.

13. Applicant denies each and every allegation contain in Paragraph 13 of the Notice of Opposition.

14. Admitted as to the present time.

15. Applicant denies each and every allegation contain in Paragraph 15 of the Notice of Opposition.

16. Applicant denies each and every allegation contain in Paragraph 16 of the Notice of Opposition.

17. Applicant denies each and every allegation contain in Paragraph 17 of the Notice of Opposition.

18. Applicant denies each and every allegation contain in Paragraph 18 of the Notice of Opposition.

19. Applicant denies each and every allegation contain in Paragraph 19 of the Notice of Opposition.

20. Applicant denies each and every allegation contain in Paragraph 20 of the Notice of Opposition.

21. Applicant denies each and every allegation contain in Paragraph 21 of the Notice of Opposition.

22. Applicant denies each and every allegation contain in Paragraph 22 of the Notice of Opposition.

23. Applicant denies each and every allegation contain in Paragraph 23 of the Notice of Opposition.

24. Applicant denies each and every allegation contain in Paragraph 24 of the Notice of Opposition.

WHEREFORE, Mike Ghorbani requests that the mark sought to be registered be allowed to be registered and this opposition to be terminated.

ANSWER AND AFFIRMATIVE DEFENSES FILED BY MIKE GHORBANI

AFFIRMATIVE DEFENSES

25. In further denial of the Notice of Opposition, Applicant states the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE

(The Mark "MG EURO" Is Not Descriptive)

26. The Mark "MG EURO" is not descriptive of a particular geographic place.

SECOND AFFIRMATIVE DEFENSE

(Lack of Geographic Significance)

27. The primary significance of "MG EURO" is not a generally known geographic place.

THIRD AFFIRMATIVE DEFENSE

(Lack of Association and/or Confusion)

28. Purchasers would not likely believe that the goods or services originate in Europe. There is no association between spray guns (and other goods and services) and Europe. Furthermore, purchasers of spray guns (and other goods and services) are sophisticated and unlikely to be confused.

FOURTH AFFIRMATIVE DEFENSE

(Lack of Materiality)

29. Any misrepresentation would not be a material factor for a substantial portion of relevant consumers in deciding whether to buy the goods or use the services. The presence of the Mark “MG EURO” would not be a material factor for a substantial portion of relevant consumers in deciding whether to buy the goods or use the services.

FIFTH AFFIRMATIVE DEFENSE

(The Mark “MG EURO” Is Not Misdescriptive)

30. The Mark “MG EURO” is not misdescriptive because the primary significance of "MG EURO" is not a generally known geographic place, Purchasers would not likely believe that the goods or services originate in Europe, and/or any misrepresentation would not be a material factor for a substantial portion of relevant consumers in deciding whether to buy the goods or use the services.

SIXTH AFFIRMATIVE DEFENSE

(Unclean hands)

31. Upon Information and Belief, it is believed that the Opposer's spray guns are made from components that are made in countries other than Germany and/or Europe. The Opposer advertises its products as "German Engineered" despite its products being made outside of Germany and/or Europe.

SEVENTH AFFIRMATIVE DEFENSE

(Lack of Standing)

32. On Information and Belief, it is believed that the Opposer's spray guns are made from components that are manufactured outside of Germany and/or Europe. The Opposer has no standing to challenge the mark to be sought to be registered when it is believed that the Opposer uses components that are made outside of Germany and/or Europe.

EIGHTH AFFIRMATIVE DEFENSE

(Good Faith)

33. At all times relevant, Applicant acted in good faith towards Opposer and has used the subject mark in good faith, and all actions that Applicant took with respect to Opposer of which affected Opposer, if any, were undertaken in good faith and for legitimate business reasons.

NINTH AFFIRMATIVE DEFENSE

(Additional Defenses)

34. Applicant's discovery and investigation is continuing. Accordingly, Applicant reserves the right to assert additional defenses as they become known as to all claims asserted against them.

WHEREFORE, Applicant respectfully requests that this Opposition be terminated, and that Application Serial No. 86/227,768 be allowed to register.

Respectfully submitted,

Applicant Mike Ghorbani



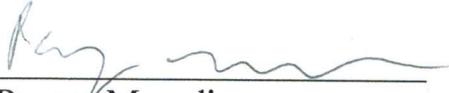
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Date: Dec 3, 2014

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing has been served on Thomas J. Vande Sande by mailing said copy on Dec. 3, 2014 via First Class Mail, postage prepaid to:

Thomas J. Vande Sande
Hall & Vande Sande, LLC
10220 River Road, Suite 200
Potomac, MD 20854



Date: Dec 3, 2014

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