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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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Submission	Answer
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Date	07/08/2013
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

_____)	
SATA GmbH & Co. KG,)	Mark: EURO & Design
)	
Opposer)	
)	Serial No.: 85/712789
v.)	
)	Opposition No. 91/210813
)	
Mike Ghorbani)	
)	
Applicant)	
_____)	

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

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

Dear Sir/Madam:

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. Denied. Applicant's spray guns are not inferior and are sold to different 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. Denied. The Mark has is not aimed and does not have the effect of confusing the purchasing public as to the source of goods. Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the additional allegations contained in paragraph 5 of the Notice of Opposition.

6. Denied. The Mark does not deceive potential consumers into thinking that Applicant's paint spray guns are of European origin.

7. Denied. The purchasing public is unlikely to believe that the guns for which the Mark is sought to be registered originated in Europe. Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the additional allegations contained in paragraph 7 of the Notice of Opposition.

8. Denied. The Mark sought to be registered is not geographically descriptive.

9. Denied. Applicant's mark sough to be registered does not cause any misrepresentation, and any misrepresentation, would not be material.

10. Denied. Applicant's mark is not primarily geographically misdescriptive.

11. Denied. Consumers would not believe that the Applicant's goods origin in Europe and there is no misrepresentation that would likely be material to consumers' decision to purchase the goods so marked.

12. Denied. Applicant's marks is registerable and is not geographically deceptive.

13. Denied. The Applicant's mark is neither geographically descriptive nor misdescriptive. The mark is registrable.

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

AFFIRMATIVE DEFENSES

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

FIRST AFFIRMATIVE DEFENSE

(The Mark Euro & Design Is Not Descriptive)

15. The Mark Euro & Design is not descriptive of a particular geographic place.

SECOND AFFIRMATIVE DEFENSE

(Lack of Geographic Significance)

16. The primary significance of "Euro" is not a generally known geographic place.

THIRD AFFIRMATIVE DEFENCE

(Lack of Association and/or Confusion)

17. 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 DEFENCE

(Lack of Materiality)

18. 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 Euro & Design 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 Euro & Design Is Not Misdescriptive)

19. The Mark Euro & Design is not misdescriptive because the primary significance of "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)

20. Upon Information and Belief, it is believed that the Opposer's spray guns are made from components that are manufactured outside of Europe.

SEVENTH AFFIRMATIVE DEFENSE

(Lack of Standing)

21. On Information and Belief, it is believed that the Opposer's spray guns are made from components that are manufactured outside of 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 Europe.

EIGHTH AFFIRMATIVE DEFENSE

(Good Faith)

23. 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)

24. 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, Opposer respectfully requests that this Opposition be terminated, and that Application Serial No. 85/712,789 be allowed to register.

Respectfully submitted,
Applicant Mike Ghorbani

Date: July 8, 2013

By: /Dariush G. Adli/

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