

ESTTA Tracking number: **ESTTA545533**

Filing date: **06/27/2013**

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

Proceeding	91211109
Party	Defendant GP Global Limited
Correspondence Address	JAMES P BRODER ROEDER & BRODER LLP 9915 MIRA MESA BLVD , STE 300 SAN DIEGO, CA 92131-7002 UNITED STATES jpbroder@san.rr.com
Submission	Answer
Filer's Name	James P. Broder
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Signature	/James P. Broder/
Date	06/27/2013
Attachments	AnswertoOpposition06272013.pdf(15919 bytes )



4. Admit.
5. Admit.
6. Insufficient facts to allow Applicant to admit or deny as phrased.
7. Insufficient facts to allow Applicant to admit or deny as phrased.
8. Insufficient facts to allow Applicant to admit or deny as phrased.
9. Insufficient facts to allow Applicant to admit or deny as phrased.
10. Insufficient facts to allow Applicant to admit or deny as phrased.
11. Insufficient facts to allow Applicant to admit or deny as phrased.
12. Insufficient facts to allow Applicant to admit or deny as phrased.
13. Insufficient facts to allow Applicant to admit or deny as phrased.
14. Deny.
15. Deny.
16. Admit in part; Deny in part; and Insufficient facts to allow Applicant to admit or deny as phrased in part.
17. Deny.
18. Insufficient facts to allow Applicant to admit or deny as phrased.
19. Deny.
20. Admit in part; Deny in part; and Insufficient facts to allow Applicant to admit or deny as phrased in part.
21. Insufficient facts to allow Applicant to admit or deny as phrased in part.

## **AFFIRMATIVE DEFENSES**

The Applicant further asserts the following affirmative defenses:

### **First Affirmative Defense**

This answering Applicant states and hereby alleges that Opposer has suffered no damage, nor will Opposer suffer any damage, as a result of the application and/or future registration of the subject mark by the Applicant herein. Therefore, the Opposition is without merit and should be denied.

### **Second Affirmative Defense**

This answering Applicant states and hereby alleges that Opposer has not alleged facts sufficient to constitute a valid opposition to registration of the subject mark.

### **Third Affirmative Defense**

This answering Applicant states and hereby alleges that Opposer unreasonably delayed in the bringing of the Opposition without good cause therefore, and thereby has prejudiced this answering Applicant; and as a proximate result thereof, the Opposition is barred by the doctrine of laches.

### **Fourth Affirmative Defense**

This answering Applicant states and hereby alleges that Opposer's unreasonable delay in the bringing of the Opposition to the subject mark without good cause therefore constitutes acquiescence, and therefore the Opposition is barred.

### **Fifth Affirmative Defense**

This answering Applicant states and hereby alleges that no likelihood of confusion exists or will exist between Applicant's subject mark and Opposer's cited registered marks. The goods identified in Opposer's registrations are sufficiently distinct and unrelated, and are in different classes of goods from the goods described in Applicant's application for the subject mark. The goods identified in Opposer's

registrations are found in different channels of trade as the goods described in Applicant's application for the subject mark.

WHEREFORE, Applicant, GP Global Limited, prays that the Opposition be denied in its entirety.

Dated: June 27, 2013

Respectfully submitted,

/James P. Broder/

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James P. Broder, Esq.  
ROEDER & BRODER LLP  
Attorney for Applicant,  
Registration No. 43514

## **CERTIFICATE OF SERVICE**

I hereby certify that a copy of the **ANSWER TO OPPOSITION** that was duly filed with the U.S.P.T.O. before the Trademark Trial and Appeal Board, on June 27, 2013, is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to:

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/James P. Broder/

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