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

Proceeding	91211392
Party	Defendant Hallmark Industries, Inc.
Correspondence Address	ANTHONY M VERNA III KRAVITZ & VERNA PLLC PO BOX 3620293, PACC NEW YORK, NY 10129 UNITED STATES verna@kravitzverna.com
Submission	Answer
Filer's Name	Matthew H. Swyers
Filer's e-mail	mswyers@thetrademarkcompany.com
Signature	/Matthew H. Swyers/
Date	06/05/2015
Attachments	Answer.pdf(176923 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
The Trademark Trial and Appeal Board**

Serial No. 77/457,422 for the mark HALLMARK and  
Serial No. 77/666,333 for the mark HALLMARK925

Hallmark Licensing, LLC,	:	
	:	
Opposer,	:	
	:	
vs.	:	Opposition No. 91211392 (Parent)
	:	Opposition No. 91215884
Hallmark Industries Inc.,	:	
	:	
Applicant.	:	

**ANSWER AND GROUNDS OF DEFENSE**

COMES NOW Applicant, Hallmark Industries Inc. (hereinafter “Applicant”), by and through counsel, The Trademark Company, PLLC, and files its Answer and Grounds of Defense to the Amended Notice of Opposition and in response to Opposer’s allegations states as follows:

**ANSWER**

Applicant denies the allegations set forth in the Introductory Paragraph of the Amended Notice of Opposition and demands strict proof thereof. In response to the specifically enumerated paragraphs, the Applicant states as follows:

1. Applicant denies the allegations set forth in Paragraph 1 of the Amended Notice of Opposition as phrased and demands strict proof thereof. Applicant cannot verify the authenticity of the attached Exhibit 1 and therefore denies the same.

2. Applicant denies the allegations set forth in Paragraph 2 of the Amended Notice of Opposition as phrased and demands strict proof thereof. Applicant cannot verify the authenticity of the attached Exhibit 2 and therefore denies the same.

3. Applicant denies the allegations set forth in Paragraph 3 of the Amended Notice of Opposition as phrased and demands strict proof thereof. Applicant cannot verify the authenticity of the attached Exhibit 3 and therefore denies the same.

4. Applicant denies the allegations set forth in Paragraph 4 of the Amended Notice of Opposition as phrased and demands strict proof thereof. Applicant cannot verify the authenticity of the attached Exhibit 4 and therefore denies the same.

5. Applicant denies the allegations set forth in Paragraph 5 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

6. There are no allegations to respond to in Paragraph 6 of the Amended Notice of Opposition. As such, Applicant hereby incorporates by reference its responses to the allegations contained in Paragraphs 1 through 5 of the Amended Notice of Opposition as stated hereinabove.

7. Applicant is without knowledge of the allegations set forth in Paragraph 7 of the Amended Notice of Opposition and therefore denies the same.

8. Applicant is without knowledge of the allegations set forth in Paragraph 8 of the Amended Notice of Opposition and therefore denies the same.

9. Applicant is without knowledge of the allegations set forth in Paragraph 9 of the Amended Notice of Opposition and therefore denies the same.

10. Applicant denies the allegations set forth in Paragraph 10 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

11. Applicant denies the allegations set forth in Paragraph 11 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

12. Applicant denies the allegations set forth in Paragraph 12 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

13. Applicant denies the allegations set forth in Paragraph 13 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

14. Applicant denies the allegations set forth in Paragraph 14 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

15. Applicant denies the allegations set forth in Paragraph 15 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

16. Applicant denies the allegations set forth in Paragraph 16 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

17. Applicant denies the allegations set forth in Paragraph 17 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

18. Applicant denies the allegations set forth in Paragraph 18 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

19. Applicant denies the allegations set forth in Paragraph 19 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

20. Applicant denies the allegations set forth in Paragraph 20 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

21. Applicant denies the allegations set forth in Paragraph 21 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

22. Applicant denies the allegations set forth in Paragraph 22 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

23. Applicant denies the allegations set forth in Paragraph 23 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

24. Applicant denies the allegations set forth in Paragraph 24 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

25. Applicant denies the allegations set forth in Paragraph 25 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

26. Applicant denies the allegations set forth in Paragraph 26 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

27. Applicant denies the allegations set forth in Paragraph 27 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

28. Applicant denies the allegations set forth in Paragraph 28 of the Amended Notice of Opposition and demands strict proof thereof.

29. Applicant denies the allegations set forth in Paragraph 29 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

30. Applicant admits the allegations set forth in Paragraph 30 of the Amended Notice of Opposition.

31. Applicant admits the allegations set forth in Paragraph 31 of the Amended Notice of Opposition.

32. Applicant denies the allegations set forth in Paragraph 32 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

33. Applicant denies the allegations set forth in Paragraph 33 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

34. Applicant denies the allegations set forth in Paragraph 34 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

35. There are no allegations to respond to in Paragraph 35 of the Amended Notice of Opposition. As such, Applicant hereby incorporates by reference its responses to the allegations contained in Paragraphs 1 through 34 of the Amended Notice of Opposition as stated hereinabove.

36. Applicant denies the allegations set forth in Paragraph 36 of the Amended Notice of Opposition and demands strict proof thereof.

37. Applicant denies the allegations set forth in Paragraph 37 of the Amended Notice of Opposition and demands strict proof thereof.

38. Applicant denies the allegations set forth in Paragraph 38 of the Amended Notice of Opposition and demands strict proof thereof.

39. Applicant denies the allegations set forth in Paragraph 39 of the Amended Notice of Opposition and demands strict proof thereof.

40. There are no allegations to respond to in Paragraph 40 of the Amended Notice of Opposition. As such, Applicant hereby incorporates by reference its responses to the allegations contained in Paragraphs 1 through 39 of the Amended Notice of Opposition as stated hereinabove.

41. Applicant denies the allegations set forth in Paragraph 41 of the Amended Notice of Opposition and demands strict proof thereof.

42. Applicant denies the allegations set forth in Paragraph 42 of the Amended Notice of Opposition and demands strict proof thereof.

43. Applicant denies the allegations set forth in Paragraph 43 of the Amended Notice of Opposition and demands strict proof thereof.

44. Applicant denies the allegations set forth in Paragraph 44 of the Amended Notice of Opposition and demands strict proof thereof.

45. There are no allegations to respond to in Paragraph 45 of the Amended Notice of Opposition. As such, Applicant hereby incorporates by reference its responses to the allegations contained in Paragraphs 1 through 44 of the Amended Notice of Opposition as stated hereinabove.

46. Applicant denies the allegations set forth in Paragraph 46 of the Amended Notice of Opposition and demands strict proof thereof.

47. Applicant denies the allegations set forth in Paragraph 47 of the Amended Notice of Opposition and demands strict proof thereof.

48. Applicant denies the allegations set forth in Paragraph 48 of the Amended Notice of Opposition and demands strict proof thereof.

49. There are no allegations to respond to in Paragraph 49 of the Amended Notice of Opposition. As such, Applicant hereby incorporates by reference its responses to the allegations contained in Paragraphs 1 through 48 of the Amended Notice of Opposition as stated hereinabove.

50. Applicant denies the allegations set forth in Paragraph 50 of the Amended Notice of Opposition and demands strict proof thereof.

51. Applicant denies the allegations set forth in Paragraph 51 of the Amended Notice of Opposition and demands strict proof thereof.

52. Applicant denies the allegations set forth in Paragraph 52 of the Amended Notice of Opposition and demands strict proof thereof.

53. There are no allegations to respond to in Paragraph 53 of the Amended Notice of Opposition. As such, Applicant hereby incorporates by reference its responses to the allegations contained in Paragraphs 1 through 52 of the Amended Notice of Opposition as stated hereinabove.

54. Applicant denies the allegations set forth in Paragraph 54 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

55. Applicant denies the allegations set forth in Paragraph 55 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

56. Applicant denies the allegations set forth in Paragraph 56 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

57. Applicant denies the allegations set forth in Paragraph 57 of the Amended Notice of Opposition as phrased and demands strict proof thereof.

58. There are no allegations to respond to in Paragraph 58 of the Amended Notice of Opposition. As such, Applicant hereby incorporates by reference its responses to the allegations contained in Paragraphs 1 through 57 of the Amended Notice of Opposition as stated hereinabove.

59. Applicant denies the allegations set forth in Paragraph 59 of the Amended Notice of Opposition and demands strict proof thereof.

60. Applicant denies the allegations set forth in Paragraph 60 of the Amended Notice of Opposition and demands strict proof thereof.

61. Applicant denies the allegations set forth in Paragraph 61 of the Amended Notice of Opposition and demands strict proof thereof.

62. There are no allegations to respond to in Paragraph 62 of the Amended Notice of Opposition. As such, Applicant hereby incorporates by reference its responses to the allegations contained in Paragraphs 1 through 61 of the Amended Notice of Opposition as stated hereinabove.

63. Applicant denies the allegations set forth in Paragraph 63 of the Amended Notice of Opposition and demands strict proof thereof.

64. Applicant denies the allegations set forth in Paragraph 64 of the Amended Notice of Opposition and demands strict proof thereof.

65. Applicant denies the allegations set forth in Paragraph 65 of the Amended Notice of Opposition and demands strict proof thereof.

Applicant further denies all allegations not specifically, actually or constructively, admitted in the foregoing paragraphs of this Answer and Grounds of Defense.

WHEREFORE, Applicant prays that the Amended Notice of Opposition be dismissed.

Respectfully submitted this 5<sup>th</sup> day of June, 2015.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

Matthew H. Swyers, Esq.

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Counsel for Applicant

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The Trademark Trial and Appeal Board**

Serial No. 77/457,422 for the mark HALLMARK and  
Serial No. 77/666,333 for the mark HALLMARK925

Hallmark Licensing, LLC,	:	
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Opposer,	:	
	:	
vs.	:	Opposition No. 91211392 (Parent)
	:	Opposition No. 91215884
Hallmark Industries Inc.,	:	
	:	
Applicant.	:	

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I caused a copy of the foregoing this 5<sup>th</sup> day of June, 2015 to  
be served, via first class mail, postage prepaid, upon:

Timothy J Feathers  
Stinson Leonard Street LLP  
1201 Walnut Street, Suite 2900  
Kansas City, Mo 64106-2150

/Matthew H. Swyers/  
Matthew H. Swyers