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

Proceeding	91211832
Party	Defendant Alan J. Piven Management Group, LLC
Correspondence Address	HOWARD D. BADER BALLON STOLL BADER & NADLER, P.C. 729 SEVENTH AVE 17TH FL NEW YORK, NY 10019-6887 skim@ballonstoll.com
Submission	Answer
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Signature	/hbader/
Date	09/04/2013
Attachments	Answer.pdf(161548 bytes)

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

In the Matter of Application Serial No. 85563175
Mark: HAMPTON ORGANICS

S&G Hampton Sun, LLC,)	
)	
Opposer,)	Opposition No. 91211832
)	
v.)	
)	
Alan J. Piven Management Group, LLC,)	
)	
Applicant.)	

ANSWER

Applicant, Alan J. Piven Management Group, LLC (“Applicant”), by and through its undersigned counsel, hereby answers and asserts affirmative defenses to the Notice of Opposition of Opposer, S&G Hampton Sun, LLC (“Opposer”) as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 1 of the Notice of Opposition.
2. Applicant admits the allegations set forth in Paragraph 2 of the Notice of Opposition.
3. Applicant admits the allegations set forth in Paragraph 3 of the Notice of Opposition.

4. Applicant admits the allegations set forth in Paragraph 4 of the Notice of Opposition.

5. Applicant admits the allegations set forth in Paragraph 5 of the Notice of Opposition.

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 6 of the Notice of Opposition.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 7 of the Notice of Opposition.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 8 of the Notice of Opposition.

9. Applicant admits the allegations set forth in Paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations set forth in Paragraph 10 of the Notice of Opposition.

11. Applicant denies the allegations set forth in Paragraph 11 of the Notice of Opposition.

12. Applicant denies the allegations set forth in Paragraph 12 of the Notice of Opposition.

13. Applicant denies the allegations set forth in Paragraph 13 of the Notice of Opposition.

14. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 14 of the Notice of Opposition.

15. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 15 of the Notice of Opposition.

16. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 16 of the Notice of Opposition.

17. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations set forth in Paragraph 17 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

18. Opposer's Notice of Opposition fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the opposition.

19. More than fifteen third parties use the term "Hampton" as part of their mark in connection to goods in International Class 003.

20. Opposer's claims are barred based on the doctrines of laches, estoppel and/or acquiescence.

21. Opposer does not own another trademark application or registration for a mark that is confusingly similar to Applicant's mark.

22. Opposer will not be damaged by the issuance to Applicant of the registration sought.

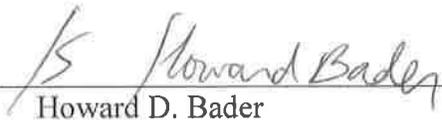
RELIEF REQUESTED

WHEREFORE, Applicant respectfully requests that this opposition proceeding be denied, and that the Board grant such other and further relief as it may deem just and proper.

Dated: New York, New York
September 4, 2013

Respectfully submitted

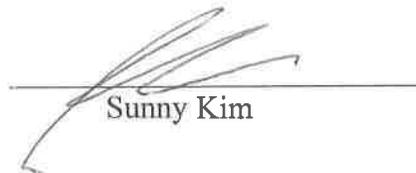
BALLON STOLL BADER & NADLER, P.C.

By: 
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CERTIFICATE OF SERVICE

I hereby certify on this 4th day of September 2013, that a true copy of the foregoing ANSWER was served upon the following party by depositing same with the United States Postal Service via First-Class mail, postage pre-paid:

Stephen M. Ankrom, Esq.
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Attorneys for Opposer, S&G Hampton Sun, LLC


Sunny Kim