

ESTTA Tracking number: **ESTTA571340**

Filing date: **11/18/2013**

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

Proceeding	91212898
Party	Defendant LG Electronics Inc.
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Date	11/18/2013
Attachments	2013-11-14 LG's FINAL Answer and Affirmative Defenses to Beats' Opposition (4).pdf(12260 bytes)

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

BEATS ELECTRONICS, LLC)	
)	
Opposer,)	
)	
v.)	Opposition No. 91212898
)	
LG ELECTRONICS, INC.)	Serial No. 85/682,885
)	
Applicant.)	Mark: QUADBEAT
_____)	

ANSWER AND AFFIRMATIVE DEFENSES

Applicant, LG Electronics, Inc., (“Applicant”), a corporation of the Republic of Korea, having a principal place of business at 20, Yeouido-dong, Yeongdeungpo-gu, Seoul, 150-721, Republic of Korea, through its undersigned counsel, hereby submits its Answer and Affirmative Defenses to the Notice of Opposition filed by Beats Electronics, LLC, (“Opposer”) as follows:

1. Admitted.
2. Applicant lacks knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 2 of the Notice of Opposition, and therefore denies the same.
3. Applicant lacks knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3 of the Notice of Opposition, and therefore denies the same.
4. Applicant admits that Opposer is the listed owner of U.S. Trademark Registrations Nos. 3862142, 4035777, 3921110, 4177191, 4173065, 4176105, 4198937, 4314478, 4314920, 4314930, and 4314931. Applicant lacks knowledge and information

sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 4 of the Notice of Opposition, and therefore denies the same.

5. Applicant admits that Opposer is the listed owner of U.S. Trademark Serial Nos. 85020116, 85057928, 85572143, and 85663739. Applicant lacks knowledge and information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 5 of the Notice of Opposition, and therefore denies the same.

6. Applicant lacks knowledge and information sufficient to form a belief as to the truth of the allegations set forth in paragraph 6 of the Notice of Opposition, and therefore denies the same.

7. Denied.

8. Denied.

9. Denied.

10. Denied.

AFFIRMATIVE DEFENSES

Applicant, for its Affirmative Defenses to the Notice of Opposition, states as follows:

11. Opposer has failed to state a claim upon which relief can be granted.

12. There is no likelihood of confusion between the Applicant's mark and the Opposer's mark or marks because of the significant differences in the marks in appearance, pronunciation and meaning.

13. There is no likelihood of confusion between the Applicant's mark and the Opposer's mark or marks because of the significant differences in the goods and trade channels in connection with which the respective parties' marks are used or to be used and registered or to be registered.

14. There is no likelihood of confusion between the Applicant's mark and the Opposer's mark or marks because the Opposer's alleged marks are inherently weak, laudatory marks which are entitled to a very narrow scope of protection.

WHEREFORE, Applicant, having fully and completely answered the Notice of Opposition, hereby prays that the Opposition be denied.

Respectfully submitted,

LG Electronics, Inc.
By Counsel

BIRCH, STEWART, KOLASCH & BIRCH, LLP

By: / Robert J. Kenney/
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Dated: November 18, 2013

CERTIFICATE OF SERVICE

I hereby certify that on this 18th day of November 2013, a copy of the foregoing ANSWER AND AFFIRMATIVE DEFENSES was served upon Lawrence E. James, Jr. by first class mail to:

Lawrence E. James, Jr.
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