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Filing date: **12/02/2013**

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

Proceeding	91213084
Party	Defendant Karma Athletics, Ltd.
Correspondence Address	JOSEPH W. BERENATO, III BERENATO & WHITE, LLC 6550 ROCK SPRING DR STE 240 BETHESDA, MD 20817-1173 UNITED STATES jberenato@bw-iplaw.com;dinman@bw-iplaw.
Submission	Answer
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Signature	/Patricia M. Rehfield/
Date	12/02/2013
Attachments	answer_001.pdf(133534 bytes)

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

IN THE MATTER OF OPPOSITION NO. 91213084
OF APPLICATION SERIAL NO. 85/978,778 FOR KARMA

KARMALOOP, INC.,	:	
Opposer,	:	Opposition No. 91213084
v.	:	
KARMA ATHLETICS LTD.	:	
Applicant.	:	Application Serial No. 85/978,778

APPLICANT'S ANSWER AND AFFIRMATIVE DEFENSES TO OPPOSERS'S NOTICE OF OPPOSITION

Pursuant to 37 C.F.R. § 2.114 and TBMP Rule 311, Applicant Karma Athletics, Ltd. (hereinafter "Karma Athletics"), by and through counsel, hereby answers Opposer Karmaloop Inc.'s (hereinafter "Karmaloop") Notice of Opposition (hereinafter "Notice") of application Serial No. 85/978,778 (hereinafter "Application") as follows by reference to the specifically numbered paragraphs. To the extent Karmaloop contends that any particular allegation has not been responded to, it is denied. With regard to the specifically numbered paragraphs, Karma Athletics responds as follows:

1. Applicant admits the allegations in Paragraph 1.
2. Applicant admits the allegations in Paragraph 2.
3. Applicant admits the allegations in Paragraph 3.
4. Applicant admits the allegations in Paragraph 4.
5. Applicant admits the allegations in Paragraph 5.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 6 of the Notice and, on that basis, denies the same.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7 of the Notice and, on that basis, denies the same.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8 of the Notice and, on that basis, denies the same.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 9 of the Notice and, on that basis, denies the same.

10. Applicant admits that a document marked Exhibit A was appended to the Notice of Opposition but Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10 of the Notice and, on that basis, denies the same.

11. Applicant denies the allegations in paragraph 11.

12. Applicant denies the allegations in paragraph 12.

13. Applicant denies the allegations in paragraph 13.

14. Applicant denies the allegations in paragraph 14.

15. Applicant denies the allegations in paragraph 15.

AFFIRMATIVE DEFENSES

Without prejudice to the denials set forth in its Answer to Opposer's Notice and without admitting any allegations in the Notice not otherwise admitted, Applicant avers and asserts the following Affirmative Defenses to Opposer's claims:

FIRST AFFIRMATIVE DEFENSE
(Opposer lacks standing)

1. Opposer's claims are barred because Opposer lacks standing.

SECOND AFFIRMATIVE DEFENSE

(Acquiescence)

2. Opposer's claims are barred because Applicant owns an existing registration for the same or substantially identical mark for the same or substantially identical services.

THIRD AFFIRMATIVE DEFENSE
(Failure to State a Cause of Action)

3. Opposer's claims are barred because Opposer fails to state a claim upon which relief can be granted.

FOURTH AFFIRMATIVE DEFENSE
(No Likelihood of Confusion)

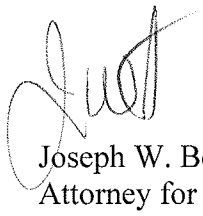
4. There is no likelihood of confusion between Opposer's alleged KARMALOOP marks and Applicant's applied-for KARMA mark.

WHEREFORE, having fully answered the claims in Opposer's Notice, Applicant respectfully requests:

1. That the Notice be dismissed with prejudice in all respects;
2. That Applicant's Application be allowed to proceed to allowance; and
3. That any such further relief be granted to Applicant as may be deemed reasonable and appropriate.

Dated: 12/2/13

Respectfully submitted,



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CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing Applicant's Answer And Affirmative Defenses To Opposers's Notice Of Opposition upon Opposer by depositing one copy thereof in the United States Mail, first-class postage prepaid on December 2, 2013, addressed as follows:

Aaron Y. Silverstein
Saunders & Silverstein LLP
14 Cedar Street, Suite 224
Amesbury, MA 01913-1831

By: _____

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