

ESTTA Tracking number: **ESTTA589771**

Filing date: **02/27/2014**

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

Proceeding	91214480
Party	Defendant Heart of the Goat LLC
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Submission	Answer
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Date	02/27/2014
Attachments	Answer.pdf(22324 bytes)

8. Applicant denies the allegations of Paragraph 8 of the Notice of Opposition.
9. Applicant denies the allegations of Paragraph 9 of the Notice of Opposition.
10. Applicant denies the allegations of Paragraph 10 of the Notice of Opposition.
11. Applicant denies the allegations of Paragraph 11 of the Notice of Opposition.

Affirmative Defenses

In further answer to the Notice of Opposition, Applicant asserts that:

Affirmative Defense No. 1: The Notice of Opposition fails to state a claim upon which relief may be granted.

Affirmative Defense No. 2: Applicant's use of its mark with its goods and services will not mistakenly be thought by the public to derive from the same source as Opposer's goods, nor will such use be thought by the public to be use by Opposer or with Opposer's authorization or approval.

Affirmative Defense No. 3: Applicant's mark in its entirety is sufficiently distinctively different from Opposer's marks to avoid confusion, deception or mistake as to the source or sponsorship or association of Applicant's goods and services.

Affirmative Defense No. 4: Opposer has not suffered any harm, and will not suffer any harm, from Applicant's registration or use of its mark.

Applicant reserves the right to rely on such other and further affirmative defenses as may be supported by the facts to be determined through full and complete discovery and to amend their Answer to assert such affirmative defenses.

WHEREFORE, Applicant contends that this opposition is groundless and baseless in fact. Applicant denies Opposer is entitled to the relief which it seeks and Applicant affirmatively asserts it is entitled to registration of its EMBRACE YOUR INNER

VIKING mark on the Principal Register of the United States Patent and Trademark Office. Therefore, Applicant requests the dismissal of Opposition No. 91214480, with prejudice, and that Applicant be rewarded such other and further relief as the Trademark Trial and Appeal Board deems proper.

Respectfully submitted,

Dated: February 27, 2014

By: /avd/
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Certificate of Service

The undersigned hereby certifies that on February 27, 2014, a copy of the foregoing Answer was served on Registrant's attorney of record, at its correspondence address, by first class mail postage prepaid and electronic mail, addressed as follows:

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By: /Amanda Dwight/