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Filing date: **03/07/2014**

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

Proceeding	91214700
Party	Defendant Premier Accessory Group, L.L.C.
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Submission	Answer
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Date	03/07/2014
Attachments	Premier Answer 91214700.pdf(109664 bytes)

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

SPECULATIVE PRODUCT DESIGN, LLC,)	
DBA SPECK PRODUCTS,)	
)	Opposition No. 91214700
Opposer,)	
)	Serial No.: 85/602,658
v.)	Filed: April 19, 2012
)	Mark: SPEKTRUM
PREMIER ACCESSORY GROUP, LLC,)	
)	Published: October 1, 2013
Applicant.)	

Commissioner of Trademarks
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

ANSWER AND AFFIRMATIVE DEFENSES TO NOTICE OF OPPOSITION

Applicant PREMIER ACCESSORY GROUP, LLC, for its Answer to the Notice of Opposition against Application Serial No. 85/602,658, for the mark SPEKTRUM, states as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1 of the Notice of Opposition.
2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 2 of the Notice of Opposition.
3. Admits that Speculative Product Design, Inc. is identified as the owner of the Registrations identified in Exhibit A to the Notice of Opposition, admits that photocopies of the Registrations identified in paragraph 3 of the Notice of Opposition

appear to be attached as Exhibit A to the Notice of Opposition, and avers that such documents speak for themselves. Denies knowledge or information sufficient to form a belief as to the truth of all remaining allegations set forth in paragraph 3 of the Notice of Opposition.

4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 4 of the Notice of Opposition.

5. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 5 of the Notice of Opposition.

6. Admits.

7. Admits that it filed the Application identified in paragraph 7 of the Notice of Opposition. Denies knowledge or information sufficient to form a belief as to the truth of all remaining allegations set forth in paragraph 7 of the Notice of Opposition.

8. Admits.

9. Denies.

10. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 10 of the Notice of Opposition.

11. Denies.

12. Applicant repeats its answers to paragraphs 1-11 of the Notice of Opposition as if fully set forth herein.

13. Denies.

14. Denies.

15. Denies.

16. Denies.

17. Denies.

18. Applicant repeats its answers to paragraphs 1-17 of the Notice of Opposition as if fully set forth herein.

19. Denies.

20. Applicant repeats its answers to paragraphs 1-19 of the Notice of Opposition as if fully set forth herein.

21. Denies.

22. Denies.

23. Denies.

AFFIRMATIVE DEFENSES

1. The Notice of Opposition fails to state a claim upon which relief can be granted.

2. Opposer has failed to state a claim under Section 2(a) of the Trademark Act because Applicant's mark does not consist of or comprise any of the items specified therein.

3. Opposer's claims are barred by the equitable doctrines of laches, acquiescence, and estoppel.

4. There is no likelihood of confusion between Applicant's SPEKTRUM mark and the SPECK marks covered by Opposer's asserted registrations, at least because the respective marks are distinct in appearance, sound, and connotation; the identified goods are different and; upon information and belief, there have been no instances of actual confusion.

5. The goods covered by Opposer's asserted registrations do not include battery chargers, cell phone battery chargers, ear buds, or headphones and there is no likelihood of confusion if the identification of Applicant's goods is restricted to such goods.

6. The SPECK marks covered by Opposer's registrations are not famous, nor were they famous at the time that Applicant began use of the mark SPEKTRUM, or at the time that Applicant filed its application for such mark.

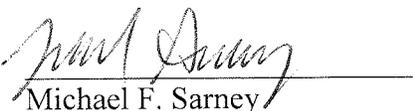
7. Applicant's SPEKTRUM mark cannot dilute the SPECK marks covered by Opposer's registrations because the marks are not the same.

WHEREFORE, Applicant prays for judgment against Opposer dismissing the Notice of Opposition in its entirety.

Dated: March 7, 2014

Respectfully submitted,

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Attorneys for Applicant

CERTIFICATE OF SERVICE

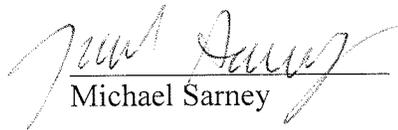
I, the undersigned, Michael Sarney, hereby certify that, on the 14th day of March, 2014, I caused to be served a true and correct copy of the foregoing

ANSWER AND AFFIRMATIVE DEFENSES TO NOTICE OF OPPOSITION

by U.S. Mail, first-class, by depositing the same in a depository of the United States Postal Service, on:

Margarita Wallach
Gary Fechter
McCARTER & ENGLISH, LLP
245 Park Avenue
27th Floor
New York, N.Y. 10167

Attorneys for Opposer


Michael Sarney