ESTTA Tracking number: **ESTTA593850**
Filing date: **03/21/2014**

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

Proceeding	91214867
Party	Defendant Premier Accessory Group, LLC, Premier Accessory Group, L.L.C.
Correspondence Address	BRIAN A. BLOOM CERTILMAN BALIN ADLER & HYMAN, LLP 90 MERRICK AVE FL 9 EAST MEADOW, NY 11554-1597 bbloom@certilmanbalin.com
Submission	Answer
Filer's Name	Michael Sarney
Filer's e-mail	bbloom@moritthock.com, msarney@moritthock.com
Signature	/michael sarney/
Date	03/21/2014
Attachments	Premier Answers to Horizon.pdf(165596 bytes)

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

HORIZON HOBBY, INC.,	)	
	)	Opposition No. 91214867
Opposer,	)	
	)	Serial No.: 85/602,658
v.	)	Filed: April 19, 2012
	)	Mark: **SPEKTRUM**
PREMIER ACCESSORY GROUP, LLC,	)	
	)	Published: October 1, 2013
Applicant.	)	
	)	

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. Admits, except states that it is a New York limited liability company.

2. Admits that it sells accessories for electronic goods. Denies all remaining allegations set forth in paragraph 2 of the Notice of Opposition.

3. Denies knowledge or information sufficient to form a belief as to the truth of the 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. Admits and avers that Exhibit 1 to the Notice of Opposition speaks for itself.

6. Admits.

7. Admits.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 8 of the Notice of Opposition.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 9 of the Notice of Opposition.

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. Admits.

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

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 14 of the Notice of Opposition.

15. Denies.

16. Denies.

17. Denies.

AFFIRMATIVE DEFENSES

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

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

3. There is no likelihood of confusion between Applicant's SPEKTRUM mark and Opposer's SPEKTRUM mark, at least because the goods used in connection

with the respective marks are different and unrelated, are sold through different channels of trade, and are sold to different classes of customers, and therefore consumers are not likely believe that such goods originate from a common source; and because, upon information and belief, there have been no instances of actual confusion.

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

Dated: March 21, 2014

Respectfully submitted,

MORITT HOCK & HAMROFF LLP
450 Seventh Avenue
15th Floor
New York, NY. 10123
Tel. (212) 239-2000

By: _____
Michael F. Sarney

Brian A. Bloom
MORITT HOCK & HAMROFF LLP
400 Garden City Plaza
Garden City, New York 11530
Tel: (516) 873-2000

Attorneys for Applicant

CERTIFICATE OF SERVICE

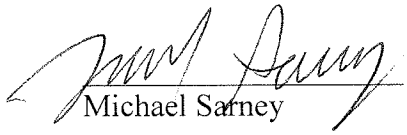
I, the undersigned, Michael Sarney, hereby certify that, on the 21st day of March, 2014, I caused to be served a true and correct copy of the foregoing

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:

Ryan C. Clark
McDONNELL BOEHNEN HULBERT & BERGHOFF LLP
300 S Wacker Drive, Suite 3100
Chicago, Illinois 60606

Attorneys for Opposer



Michael Sarney

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

HORIZON HOBBY, INC.,	)	
	)	Opposition No. 91214867
Opposer,	)	
	)	Serial No.: 85/607,883
v.	)	Filed: April 25, 2012
	)	Mark: **S SPEKTRUM**
PREMIER ACCESSORY GROUP, LLC,	)	
	)	Published: October 1, 2013
Applicant.	)	
	)	

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. 85/607,883, for the mark S SPEKTRUM, states as follows:

1. Admits, except states that it is a New York limited liability company.

2. Admits that it sells accessories for electronic goods. Denies all remaining allegations set forth in paragraph 2 of the Notice of Opposition.

3. Denies knowledge or information sufficient to form a belief as to the truth of the 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. Admits and avers that Exhibit 1 to the Notice of Opposition speaks for itself.

6. Admits.

7. Admits.

8. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 8 of the Notice of Opposition.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 9 of the Notice of Opposition.

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. Admits.

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

14. Denies knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 14 of the Notice of Opposition.

15. Denies.

16. Denies.

17. Denies.

AFFIRMATIVE DEFENSES

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

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

3. There is no likelihood of confusion between Applicant's S SPEKTRUM mark and Opposer's SPEKTRUM mark, at least because the respective marks are distinct

in appearance and, upon information and belief, there have been no instances of actual confusion.

4. There is no likelihood of confusion between Applicant's S SPEKTRUM mark Opposer's SPEKTRUM mark, at least because the goods used in connection with the respective marks are different and unrelated, and are sold through different channels of trade, and to different classes of customers, and therefore consumers are not likely believe that such goods originate from a common source.

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

Dated: March 21, 2014

Respectfully submitted,

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450 Seventh Avenue
15th Floor
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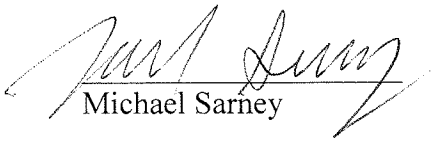
300 S Wacker Drive, Suite 3100
Chicago, Illinois 60606

Attorneys for Opposer



Michael Sarney

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