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

Proceeding	91215049
Party	Defendant Hammer Brand LLC
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Attachments	Hammer Brand Answer in TTAB Opposition 4-3-14.pdf(86937 bytes)

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

ALLIANCE POWER SPORTS, INC.,)
) Opposition No. 91215049
 Opposer,)
) In the matter of :
 v.)
) U.S. Application Serial No. 85608003
 HAMMER BRAND, LLC.)
) Filing Date: August 14, 2013
 Applicant.)
) MARK: WOLF

ANSWER

Applicant, Hammer Brand, LLC. (“Applicant”), submits this Answer to the Notice of Opposition filed by Opposer Alliance Powersports, Inc. (“Opposer”) against application for registration of Applicant’s trademark WOLF, Serial No. 86/037,963 (the “Application”). Applicant pleads and avers as follows with paragraph numbers corresponding to paragraph numbers in the Notice of Opposition:

1. Applicant acknowledges that oppose has filed a trademark application for WOLF, Serial No. 86/130,449 for “scooters” in International class 012, but lacks information or knowledge sufficient to form a belief as to the truth of the remaining allegations in Paragraph 1 of the Notice of Opposition, and accordingly denies the same.

2. Applicant lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 2 of the Notice of Opposition, and accordingly denies the same.

3. Applicant admits the allegations contained in Paragraph 3 of the Notice of Opposition.

4. Applicant admits the allegations contained in Paragraph 4 of the Notice of Opposition.

5. Applicant lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 5 of the Notice of Opposition, and accordingly denies the same.

6. Applicant lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 6 of the Notice of Opposition, and accordingly denies the same.

7. Applicant admits that it filed Application Serial No. 86/037,963 on August 14, 2013, but denies the remaining allegations in Paragraph 7 of the Notice of Opposition.

8. Applicant admits the allegations contained in Paragraph 8 of the Notice of Opposition.

9. Applicant denies the allegations contained in Paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations contained in Paragraph 10 of the Notice of Opposition.

11. Applicant lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 11 of the Notice of Opposition, and accordingly denies the same.

12. Applicant lacks information or knowledge sufficient to form a belief as to the truth of the allegations in Paragraph 12 of the Notice of Opposition, and accordingly denies the same.

13. Applicant denies the allegations in Paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations in Paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations in Paragraph 15 of the Notice of Opposition.

16. Applicant denies the allegations in Paragraph 16 of the Notice of Opposition.

17. Applicant lacks information or knowledge sufficient to form a belief as to the allegations contained in Paragraph 17 of the Notice of Opposition, and accordingly denies the same.

18. Applicant denies the allegations in Paragraph 18 of the Notice of Opposition.

19. Applicant denies the allegations in Paragraph 19 of the Notice of Opposition.

20. Applicant denies each and every allegation contained within Opposer's Notice of Opposition that is not expressly admitted to be true herein.

AFFIRMATIVE DEFENSES

1. The Notice of Opposition fails to properly plead or state sufficient grounds upon which relief can be granted against Applicant.

2. There is no likelihood of confusion, mistake or deceit.

3. On information and belief, Opposer is not using the mark Wolf as a trademark in connection with "scooters" and has no common law or other rights in and to the mark Wolf, as pled.

4. On information and belief, Opposer has not made use of the mark Wolf as a trademark in connection with “scooters” since at least as early as August 2011.

5. On information and belief, to the extent that Opposer has made any use of the mark Wolf, such use is not extensive.

6. Opposer’s alleged mark is not famous within the meaning of 15 U.S.C. § 1125(c).

7. Opposer lacks standing to bring this Notice of Opposition as it is not likely to be damaged by the registration of Applicant’s mark.

8. The Opposition is barred by the equitable doctrines of estoppels, waiver, and/or laches.

9. Opposer’s alleged mark has not acquired distinctiveness or secondary meaning as a trademark for the scope of goods alleged by Opposer.

10. The Opposer should not prevail under the doctrine of unclean hands.

11. Applicant contends that the Opposer’s opposition is groundless and requests that it be dismissed.

WHEREFORE, Applicant contends that this opposition is groundless and baseless in fact; that Opposer has not shown that it will be, or is likely to be, damaged by the registration of the Applicant’s mark. Accordingly, Applicant respectfully requests that the Notice of Opposition be dismissed and that a registration issue to Applicant for its mark.

Dated: April 3, 2014

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing Answer to Opposer's Notice of Opposition was served on April 3, 2014 by first class mail, postage prepaid, to the following:

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