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

Proceeding	91215051
Party	Defendant JASON CARIGNAN
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Date	04/02/2014
Attachments	MIRAVANTE.FINE ESTATES TM OPPOSITION.ANSWER.pdf(115171 bytes )

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

<b>Fine Estates From Spain, Inc.</b>	)	<b>Opposition No.: 91215051</b>
	)	
<b>Opposer,</b>	)	<b>Application No.: 85638044</b>
	)	
<b>v.</b>	)	<b>Mark: MIRAVANTE</b>
	)	
<b>Jason Carignan</b>	)	<b>Published in the Official Gazette on</b>
	)	<b>November 5, 2013</b>
<b>Applicant.</b>	)	
	)	
	)	
	)	

**APPLICANT'S ANSWER TO NOTICE OF OPPOSITION**

**ANSWERS TO ALLEGATIONS**

Jason Carignan ("Applicant") answers Fine Estates From Spain, Inc.'s Notice of Opposition as follows:

1. Applicant admits the allegations of paragraph 1.
2. Applicant admits the allegations of paragraph 2.
3. Applicant admits the allegations of paragraph 3.
4. Applicant denies knowledge and information sufficient to admit or deny the allegations of paragraph 4.
5. Applicant denies knowledge and information sufficient to admit or deny the allegations of paragraph 5.
6. Applicant denies knowledge and information sufficient to admit or deny the allegations of paragraph 6.

7. Applicant denies knowledge and information sufficient to admit or deny the allegations of paragraph 7.

8. Applicant denies the allegations of paragraph 8.

9. Applicant denies knowledge and information sufficient to admit or deny the allegations of paragraph 9.

10. Applicant denies knowledge and information sufficient to admit or deny the allegations of paragraph 10.

11. Applicant denies the allegations of paragraph 11.

12. Applicant denies the allegations of paragraph 12.

13. Applicant admits it would obtain an exclusive prima facie right to MIRAVANTE if registered, but denies knowledge and information sufficient to admit or deny the allegation that such registration would be a further source of damage to Opposer.

#### **AFFIRMATIVE DEFENSES**

##### First Affirmative Defense

Opposer fails to state a claim upon which relief can be granted.

##### Second Affirmative Defense

There is no likelihood of confusion, mistake or deception because, inter alia, the Mark and the alleged trademark of Opposer are not confusingly similar.

WHEREFORE, Applicant prays as follows:

1. This opposition be dismissed;
2. A registration for MIRAVANTE be issued to the Applicant.

Dated: April 2, 2014

Respectfully Submitted,

STEINMEYER ROTH LLP

Attorneys for Applicant

By: \_\_\_\_\_



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## CERTIFICATE OF SERVICE

The undersigned hereby certifies that on April 3, 2014, a true copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served on the Parties in this action by placing a true copy thereof in a sealed envelope addressed to the persons named below:

AARON SILVERSTEIN, ESQ.  
SAUNDERS & SILVERSTEIN LLP  
14 CEDAR STREET, SUITE 224  
AMESBURY, MA 01913

I deposited such fully sealed envelope in a facility regularly maintained by the United States Postal Service with the postage thereon fully prepaid.



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William B. Steinmeyer

**CERTIFICATE OF ELECTRONIC FILING**

The undersigned certifies that this submission is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals (ESTTA) on April 2, 2014.

STEINMEYER ROTH LLP

Attorneys for Applicant

By:   
William B. Steinmeyer