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

Proceeding	91217109
Party	Defendant Bad Dragon Enterprises, Inc.
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Duke University,

Opposer,

v.

Bad Dragon Enterprises, Inc.,

Applicant.

Opposition No. 91217109

Serial No.: 86/136430

Mark: DUKE'S BUTT

Filed: December 5, 2013

Published: February 11, 2014

**ANSWER TO OPPOSITION TO REGISTRATION OF MARK**

Applicant Bad Dragon Enterprises, Inc. ("Applicant"), by and through its attorneys, answers the allegations set forth in the Opposition to Registration of Mark ("Opposition") filed by Duke University ("Opposer") as follows:

1. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations of Paragraph 1 of the Opposition, and therefore, on that basis, denies the same.
2. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations of Paragraph 2 of the Opposition, and therefore, on that basis, denies the same.
3. Applicant admits the allegations set forth in Paragraph 3 of the Opposition.
4. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations of Paragraph 4 of the Opposition, and therefore, on that basis, denies the same.
5. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations of Paragraph 5 of the Opposition, and therefore, on that basis, denies the same.
6. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations of Paragraph 6 of the Opposition, and therefore, on that basis, denies the same.

7. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations of Paragraph 7 of the Opposition, and therefore, on that basis, denies the same.

8. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations of Paragraph 8 of the Opposition, and therefore, on that basis, denies the same.

9. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations of Paragraph 9 of the Opposition, and therefore, on that basis, denies the same.

10. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations of Paragraph 10 of the Opposition, and therefore, on that basis, denies the same.

11. Applicant denies the allegations of Paragraph 11 of the Opposition.

12. Applicant denies the allegations of Paragraph 12 of the Opposition.

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

14. Applicant admits only that Applicant and Opposer are not in any way affiliated, connected, or associated with one another or with one another's products or services. Applicant denies the remaining allegations of Paragraph 14 of the Opposition.

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

16. Applicant admits the allegations of Paragraph 16 of the Opposition.

17. Applicant admits the allegations of Paragraph 17 of the Opposition.

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

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

20. Applicant denies the allegations of Paragraph 20 of the Opposition.

21. Applicant denies the allegations of Paragraph 21 of the Opposition and denies each allegation contained in sub-parts (a.)-(f.) therein.

22. Applicant denies the allegations of Paragraph 22 of the Opposition.

23. Applicant lacks sufficient information to form a belief as to the truth or falsity of the allegations of Paragraph 23 of the Opposition, and therefore, on that basis, denies the same.

24. Applicant denies the allegations of Paragraph 24 of the Opposition.

25. Applicant denies the allegations of Paragraph 25 of the Opposition.

26. Applicant denies the allegations of Paragraph 26 of the Opposition.

**AFFIRMATIVE DEFENSES**

For its separate and affirmative defenses, Applicant alleges as follows:

**FIRST AFFIRMATIVE DEFENSE**

**(Trademark Misuse)**

Applicant alleges that the Opposition and each purported claim alleged therein are barred due to Opposer's misuse of its trademarks.

**SECOND AFFIRMATIVE DEFENSE**

**(Laches)**

Applicant alleges that the Opposition and each purported claim alleged therein are barred by the doctrine of laches.

**THIRD AFFIRMATIVE DEFENSE**

**(Estoppel)**

Applicant alleges that the Opposition and each purported claim alleged therein are barred by the doctrine of estoppel.

**ADDITIONAL DEFENSES**

Applicant reserves the right to amend the Answer and to assert additional defenses and/or supplement alter or change the Answer and defenses upon the discovery of additional facts and upon the completion of discovery and a continuing investigation.

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**PRAYER**

WHEREFORE, Applicant prays that Opposer take nothing by the Opposition, and that the Opposition be dismissed in its entirety with prejudice and judgment granted in Applicant's favor or a judgment entered against Opposer and that Applicant's mark proceed to issue.

Dated: November 21, 2014

Respectfully submitted,

**WEISS & MOY, P.C.**

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**CERTIFICATE OF SERVICE**

I hereby certify that on November 21, 2014, a true and complete copy of the foregoing document was served electronically via the Trademark Trial and Appeal Board Electronic Filing System (ESTTA), and via e-mail pursuant to agreement between the parties, on the following:

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