

ESTTA Tracking number: **ESTTA632388**

Filing date: **10/13/2014**

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

Proceeding	91218147
Party	Defendant Adam Plus Company, LLC
Correspondence Address	VANESSA C. HEW DUANE MORRIS LLP 1540 BROADWAY FL 12 NEW YORK, NY 10036-4086  vchew@duanemorris.com
Submission	Answer
Filer's Name	Vanessa C. Hew
Filer's e-mail	vchew@duanemorris.com, mafrank@duanemorris.com, gp-gulia@duanemorris.com
Signature	/Vanessa C. Hew/
Date	10/13/2014
Attachments	91217147 - ANSWER 86027752 - YONDER MUSIC.pdf(114023 bytes ) 91218147 - ANSWER 86027827 - YONDER LET THE MUSIC PLAY DES.pdf(113412 bytes ) 91218147 - ANSWER 86238472 - YONDER HEAR FOREVER.pdf(110206 bytes )

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

In the matter of Application Serial No. 86/027,752  
Filed on August 2, 2013  
For the Mark **YONDER MUSIC**  
Published in the *Official Gazette* on April 22, 2014

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YONDER MOUNTAIN ENTERPRISES, LLC,

Opposer

v.

ADAM PLUS COMPANY, LLC,

Applicant

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Opposition No. 91218147

**APPLICANT'S ANSWER**

Applicant, Adam Plus Company, LLC, by its undersigned attorneys, hereby answers the Notice of Opposition as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 1 of the Notice of Opposition and therefore denies the same.
2. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 2 of the Notice of Opposition and therefore denies the same.
3. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 3 of the Notice of Opposition and therefore denies the same.
4. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 4 of the Notice of Opposition and therefore denies

the same.

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

6. Applicant denies the allegations in Paragraph 6 of the Notice of Opposition.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 7 of the Notice of Opposition and therefore denies the same.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 8 of the Notice of Opposition and therefore denies the same.

9. Applicant admits the allegations in Paragraph 9 of the Notice of Opposition, except that Applicant denies that the mark YONDER MUSIC has not yet been used in commerce.

10. Applicant admits that it had not yet begun use of the mark YONDER MUSIC as of August 2, 2013, but otherwise lacks knowledge or information sufficient to form a belief as to the truth or falsity of the other allegations in Paragraph 10 of the Notice of Opposition and therefore denies the same.

11. Applicant admits the allegations in Paragraph 11 of the Notice of Opposition.

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

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.

**WHEREFORE**, Applicant respectfully requests that the Opposition be dismissed and that Applicant's mark YONDER MUSIC be allowed to proceed to registration.

Dated: October 12, 2014

Respectfully submitted,

DUANE MORRIS, LLP

By: 

Vanessa C. Hew

Gregory P. Gulia

Mitchell A. Frank

1540 Broadway

New York, NY 10036

212-692-1000

Attorneys for Applicant

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that on October 12, 2014, a true and correct copy of the foregoing **APPLICANT'S ANSWER** was served by first class mail upon:

Justin C. Konrad  
Hutchinson Black and Cook, LLC  
921 Walnut Street, Suite 200  
Boulder, CO 80302

  
Mitchell A. Frank

DM2\5114279.1

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

In the matter of Application Serial No. 86/027,827  
Filed on August 2, 2013  
For the Mark **YONDER: LET THE MUSIC PLAY and Design**  
Published in the *Official Gazette* on April 22, 2014

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YONDER MOUNTAIN ENTERPRISES, LLC,

Opposer

v.

ADAM PLUS COMPANY, LLC,

Applicant

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Opposition No. 91218147

**APPLICANT'S ANSWER**

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1. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 1 of the Notice of Opposition and therefore denies the same.
2. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 2 of the Notice of Opposition and therefore denies the same.
3. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 3 of the Notice of Opposition and therefore denies the same.
4. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 4 of the Notice of Opposition and therefore denies

the same.

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

6. Applicant denies the allegations in Paragraph 6 of the Notice of Opposition.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 7 of the Notice of Opposition and therefore denies the same.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 8 of the Notice of Opposition and therefore denies the same.

9. Applicant admits the allegations in Paragraph 9 of the Notice of Opposition.

10. Applicant admits that it had not yet begun use of the mark YONDER: LET THE MUSIC PLAY and Design as of August 2, 2013, but otherwise lacks knowledge or information sufficient to form a belief as to the truth or falsity of the other allegations in Paragraph 10 of the Notice of Opposition and therefore denies the same.

11. Applicant admits the allegations in Paragraph 11 of the Notice of Opposition.

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

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.

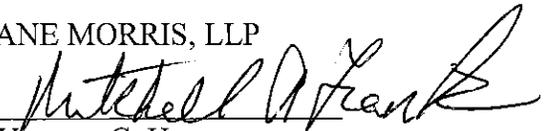
15. Applicant denies the allegations in Paragraph 15 of the Notice of Opposition.

**WHEREFORE**, Applicant respectfully requests that the Opposition be dismissed and that Applicant's mark YONDER: LET THE MUSIC PLAY and Design be allowed to proceed to registration.

Dated: October 12, 2014

Respectfully submitted,

DUANE MORRIS, LLP

By: 

Vanessa C. Hew

Gregory P. Gulia

Mitchell A. Frank

1540 Broadway

New York, NY 10036

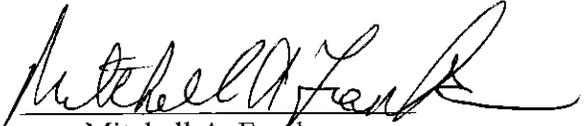
212-692-1000

Attorneys for Applicant

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Hutchinson Black and Cook, LLC  
921 Walnut Street, Suite 200  
Boulder, CO 80302

  
Mitchell A. Frank

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

In the matter of Application Serial No. 86/238,472  
Filed on April 1, 2014  
For the Mark **YONDER: HEAR FOREVER**  
Published in the *Official Gazette* on August 12, 2014

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YONDER MOUNTAIN ENTERPRISES, LLC,

Opposer

v.

ADAM PLUS COMPANY, LLC,

Applicant

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Opposition No. 91218147

**APPLICANT'S ANSWER**

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3. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 3 of the Notice of Opposition and therefore denies the same.
4. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 4 of the Notice of Opposition and therefore denies

the same.

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

6. Applicant denies the allegations in Paragraph 6 of the Notice of Opposition.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 7 of the Notice of Opposition and therefore denies the same.

8. Applicant admits the allegations in Paragraph 8 of the Notice of Opposition, except that Applicant denies that the mark YONDER: HEAR FOREVER has not yet been used in commerce.

9. Applicant admits that it had not yet begun use of the mark YONDER: HEAR FOREVER as of April 1, 2014, but otherwise lacks knowledge or information sufficient to form a belief as to the truth or falsity of the other allegations in Paragraph 9 of the Notice of Opposition and therefore denies the same.

10. Applicant admits the allegations in Paragraph 10 of the Notice of Opposition.

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

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

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

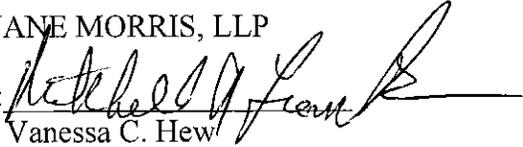
14. Applicant denies the allegations in Paragraph 14 of the Notice of Opposition.

**WHEREFORE**, Applicant respectfully requests that the Opposition be dismissed and that Applicant's mark YONDER: HEAR FOREVER be allowed to proceed to registration.

Dated: October 12, 2014

Respectfully submitted,

DUANE MORRIS, LLP

By: 

Vanessa C. Hew

Gregory P. Gulia

Mitchell A. Frank

1540 Broadway

New York, NY 10036

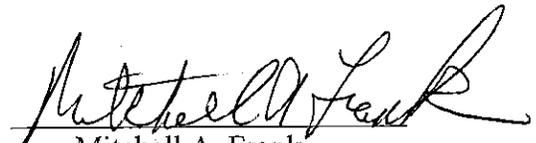
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