

ESTTA Tracking number: **ESTTA645736**

Filing date: **12/18/2014**

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

Proceeding	91219294
Party	Defendant Pixel1Media LLC
Correspondence Address	DANIEL A. REIDY LAW OFFICE OF DANIEL REIDY 1230 SPRING ST STE B SAINT HELENA, CA 94574-2070 dan@lawofficeofdanielreidy.com;luisa@la
Submission	Answer
Filer's Name	Daniel A. Reidy
Filer's e-mail	dan@reidylawgroup.com, luisa@reidylawgroup.com
Signature	/daniel reidy/
Date	12/18/2014
Attachments	THIS GIRL Answer to Neat Prints Opposition.pdf(30537 bytes)

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

3
4 NEAT PRINT, INC.,

5 Opposer,

6 v.

7
8 PIXEL1MEDIA, LLC,

9 Applicant.

OPPOSITION NO. 91219294

Serial No. 86/211,940

Filed: March 5, 2014

Mark: THIS GIRL

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12 **ANSWER AND GROUNDS OF DEFENSE**

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14 COMES NOW, Pixel1Media, LLC, with an address at W301S1458 Brandybrook Rd Waukesha,
15 WI 53188 (hereinafter, “Applicant”) and files its Answer and Grounds of Defense to Neat Print, Inc.’s
16 (hereinafter, “Opposer”) Notice of Opposition and in response to Opposer’s allegations states as follows:
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18 **ANSWER**

19 Applicant does not have sufficient knowledge or information to form a belief as to the
20 allegations set forth in the First Introductory Paragraph and therefore denies the allegations contained
21 therein.

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23 1. Applicant does not have sufficient knowledge or information to form a belief as to the
24 allegations set forth in Paragraph 1 and therefore denies the allegations contained therein.

25 2. Applicant does not have sufficient knowledge or information to form a belief as to the
26 allegations set forth in Paragraph 2 and therefore denies the allegations contained therein.

27 3. Applicant admits that it is a Wisconsin limited liability company with an address at
28 W301S1458 Brandybrook Road, Waukesha, Wisconsin, 53188.

1 4. Applicant admits that it filed its U.S. Application Serial No. 86/211,940 on March 5,
2 2014 for THIS GIRL based on an intent-to-use the mark in commerce under Section 1(b) of the
3 Trademark Act for “Pants; Shirts; Shorts; T-shirts.”

4 5. Applicant does not have sufficient knowledge or information to form a belief as to the
5 allegations set forth in Paragraph 5 and therefore denies the allegations contained therein.

6 6. Applicant does not have sufficient knowledge or information to form a belief as to the
7 allegations set forth in Paragraph 6 and therefore denies the allegations contained therein.

8 7. Applicant does not have sufficient knowledge or information to form a belief as to the
9 allegations set forth in Paragraph 7 and therefore denies the allegations contained therein.

10 8. Paragraph 8 contains legal conclusions to which no response is required. To the extent
11 a response is required, Applicant denies the allegations contained therein.

12 9. Paragraph 9 contains legal conclusions to which no response is required. To the extent
13 a response is required, Applicant denies the allegations contained therein.

14 10. Paragraph 10 contains legal conclusions to which no response is required. To the extent
15 a response is required, Applicant denies the allegations contained therein.

16 11. Applicant does not have sufficient knowledge or information to form a belief as to the
17 allegations set forth in Paragraph 11 and therefore denies the allegations contained therein.

18 12. Applicant does not have sufficient knowledge or information to form a belief as to the
19 allegations set forth in Paragraph 12 and therefore denies the allegations contained therein.

20 13. Applicant does not have sufficient knowledge or information to form a belief as to the
21 allegations set forth in Paragraph 13 and therefore denies the allegations contained therein.

22 14. Applicant does not have sufficient knowledge or information to form a belief as to the
23 allegations set forth in Paragraph 14 and therefore denies the allegations contained therein.

24 15. Paragraph 15 contains legal conclusions to which no response is required. To the extent
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1 a response is required, Applicant denies the allegations contained therein.

2 16. Paragraph 16 contains legal conclusions to which no response is required. To the extent
3 a response is required, Applicant denies the allegations contained therein.

4 17. Paragraph 17 contains legal conclusions to which no response is required. To the extent
5 a response is required, Applicant denies the allegations contained therein.

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7 **AFFIRMATIVE DEFENSES**

8 Applicant pleads the following Affirmative Defenses to the Opposition:

- 9 1. The Opposition fails to state a claim on which relief can be granted.
10 2. The Opposition is barred by the doctrine of estoppel or laches.
11 3. The Opposition is barred by the doctrine of acquiescence.
12 4. The Opposition is barred by the doctrine of unclean hands.
13 5. The Opposition is barred by the doctrine of waiver.
14 6. The Opposition is barred by the doctrine of mistake.
15 7. The Opposition is barred by fraud.
16 8. There is no likelihood of confusion between Applicant's mark and Opposer's mark.
17 9. Opposer has no standing to bring a claim under 15 U.S.C. § 1052(a).

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20 In view of the foregoing, Applicant contends that this Opposition is groundless and baseless in
21 fact; that Opposer has not shown wherein it will be, or is likely to be damaged by the registration of
22 Applicant's mark. Applicant prays that this Opposition be dismissed and that Applicant be granted
23 registration of its mark.
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25 Respectfully Submitted,

26 December 18, 2014

27 By: /Daniel A. Reidy/
28 Daniel A. Reidy
Attorney for Applicant
LAW OFFICE OF DANIEL REIDY
1230 Spring Street, Suite B
St. Helena, CA 94574

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer and Grounds of Defense has been served on Daniel R. Frijouf, counsel for Neat Print Inc., by mailing said copy on December 18, 2014, via First Class Mail, postage prepaid to Frijouf, Rust & Pyle, P.A., 201 East Davis Blvd., Tampa, FL 33606.

December 18, 2014

By: /Daniel A. Reidy/
Daniel A. Reidy
Attorney for Applicant
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