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

|                        |   |
|------------------------|---|
| Proceeding             | 91219727  |
| Party                  | Defendant<br>www.freehailestimate.com, LLC  |
| Correspondence Address | WILLIAM D O'NEILL<br>SENNIGER POWERS LLP<br>100 N BROADWAY , FL 17<br>ST LOUIS, MO 63102-2728<br>UNITED STATES<br>ustrademarks@senniger.com, woneill@senniger.com |
| Submission             | Answer  |
| Filer's Name           | William D. O'Neill  |
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| Signature              | /wdo/   |
| Date                   | 01/20/2015  |
| Attachments            | 02544728.PDF(229583 bytes )   |



5. Applicant is without information or belief sufficient to form a response to the allegations of paragraph 5 and therefore denies same.
6. Applicant denies the allegations of paragraph 6.
7. Applicant admits that it filed a U.S. trademark application that was assigned Serial No. 77781586.
8. Applicant denies the allegations of paragraph 8.
9. Applicant admits that in application Serial No. 77781586 the U.S. Trademark Office issued Office actions alleging that the mark in the application was merely descriptive. Except as otherwise admitted herein, Applicant denies the remaining allegations in paragraph 9.
10. Applicant denies the allegations of paragraph 10.
11. Applicant admits that the U.S. Trademark Office issued an Office action refusal with a rejection of a Section 2(f) acquired distinctiveness claim. Applicant admits that it filed an appeal to the Trademark Trial and Appeal Board ("TTAB").
12. Applicant admits that the TTAB denied its appeal on December 11, 2012. Except as otherwise admitted herein, Applicant denies the remaining allegations in paragraph 12.
13. Applicant admits that the TTAB held that the term freehailestimate.com was highly descriptive. Except as otherwise admitted herein, Applicant denies the remaining allegations in paragraph 13.
14. Applicant admits that on December 27, 2012 it filed U.S. trademark applications for two marks, each of which contains the term freehailestimate.com.
15. Applicant admits that it filed the trademark application that was assigned Serial No. 85811429.

16. Applicant admits that it filed the trademark application that was assigned Serial No. 85811436.
17. Applicant admits that the services identified in application Serial Nos. 85811429 and 85811436 are "automobile body repair and finishing for others." Except as otherwise admitted herein, Applicant denies the remaining allegations in paragraph 17.
18. Applicant denies the allegations of paragraph 18.
19. Applicant admits that on May 14, 2014 it filed with the U.S. Trademark Office documents with claims of Section 2(f) acquired distinctiveness for application Serial Nos. 85811429 and 85811436. Except as otherwise admitted herein, Applicant denies the remaining allegations in paragraph 19.
20. Applicant denies all allegations of paragraph 20.
21. Applicant admits the allegations of paragraph 21.
22. Applicant denies all allegations of paragraph 22.
23. Applicant denies all allegations of paragraph 23.
24. Applicant denies all allegations of paragraph 24.
25. Applicant admits the allegations of paragraph 25.
26. Applicant admits the allegations of paragraph 26.
27. Applicant denies all allegations of paragraph 27.
28. Applicant admits the allegations of paragraph 28.
29. Applicant admits that the U.S. Trademark Office issued an initial Office action on April 22, 2013 in which it refused registration.
30. Applicant admits that on May 21, 2013 the U.S. Trademark Office issued an Office action that required disclaimer of language in the mark. Except as

otherwise noted herein, Applicant denies the remaining allegations of paragraph 30.

31. Applicant admits that on October 18, 2013 it filed with the U.S. Trademark Office an Office action response. Except as otherwise noted herein, Applicant denies the remaining allegations in paragraph 31.

32. Applicant admits that on November 14, 2013 the U.S. Trademark Office issued an Office action that continued its prior refusal. Except as otherwise noted herein, Applicant denies the remaining allegations in paragraph 32.

33. Applicant denies all allegations of paragraph 33.

34. Applicant denies all allegations of paragraph 34.

35. Applicant denies all allegations of paragraph 35.

36. Applicant denies all allegations of paragraph 36.

37. Paragraph 37 does not make a substantive assertion to which a response is required.

38. Applicant is without information or belief sufficient to form a response to the allegations of paragraph 38 and therefore denies same.

39. Applicant is without information or belief sufficient to form a response to the allegations of paragraph 39 and therefore denies same.

40. Applicant is without information or belief sufficient to form a response to the allegations of paragraph 40 and therefore denies same.

41. Applicant is without information or belief sufficient to form a response to the allegations of paragraph 41 and therefore denies same.

42. Applicant is without information or belief sufficient to form a response to the allegations of paragraph 42 and therefore denies same.

43. Applicant denies the allegations of paragraph 43.
44. Paragraph 44 does not make a substantive assertion to which a response is required.
45. Applicant denies the allegations of paragraph 45.
46. Applicant denies the allegations of paragraph 46.
47. Applicant denies the allegations of paragraph 47.
48. Applicant denies the allegations of paragraph 48.
49. Applicant denies the allegations of paragraph 49.
50. Paragraph 50 does not make a substantive assertion to which a response is required.
51. Applicant denies the allegations of paragraph 51.
52. Applicant denies the allegations of paragraph 52.
53. Paragraph 53 does not make a substantive assertion to which a response is required.
54. Applicant denies the allegations of paragraph 54.
55. Applicant denies the allegations of paragraph 55.
56. Applicant denies the allegations of paragraph 56.
57. Applicant admits the allegations of paragraph 57.
58. Applicant denies the allegations of paragraph 58.
59. Applicant denies the allegations of paragraph 59.
60. Paragraph 60 does not make a substantive assertion to which a response is required.
61. Applicant denies the allegations of paragraph 61.
62. Applicant denies the allegations of paragraph 62.

- 63. Applicant denies the allegations of paragraph 63.
- 64. Applicant denies the allegations of paragraph 64.
- 65. Applicant denies the allegations of paragraph 65.
- 66. Applicant denies the allegations of paragraph 66.
- 67. Applicant denies the allegations of paragraph 67.

WHEREFORE, having fully answered this Notice of Opposition, Applicant respectfully requests that the Notice of Opposition be dismissed.

Applicant hereby appoints Paul I.J. Fleischut and William D. O'Neill, members of the bar of the State of Missouri, of the firm of Senniger Powers LLP, 100 N. Broadway, 17th Floor, St. Louis, Missouri 63102, or its duly appointed attorneys, as its attorneys in the above-entitled Opposition action to prosecute the same and to transact all business in the Patent and Trademark Office in connection with said Opposition action.

Respectfully submitted,

[www.freehailestimate.com](http://www.freehailestimate.com), LLC

By 

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Attorneys for Applicant

**CERTIFICATE OF SERVICE**

I certify that the foregoing document entitled Answer to Notice of Opposition, in Opposition No. 91219727, is being deposited with the United States Postal Service as First Class mail, postage prepaid, this 20th day of January, 2015, for service upon the following:

Elliott J. Stein  
Stevens & Lee, P.C.  
100 Lenox Drive  
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Lawrenceville, NJ 08648

A handwritten signature in blue ink is written over a horizontal line. The signature is cursive and appears to be 'W. Stein'.