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

Proceeding	91220281
Party	Defendant Wentura, Mark
Correspondence Address	WENTURA, MARK 2239 BLACK CANYON RD SPC 97 RAMONA, CA 92065-5570 Markw@ironhorsejeans.com
Submission	Answer
Filer's Name	Mark Wentura
Filer's e-mail	Markw@ironhorsejeans.com, trademarks@virtualparalegalservices.com
Signature	/Mark Wentura/
Date	02/23/2015
Attachments	Answer to Iron Horse Saloon Opposition.pdf(183273 bytes)

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

In the Matter of:
Application Serial No. 86/208,174
Published in the *Official Gazette* on
September 23, 2014

Iron Horse Saloon, Inc.

Mailed: February 23, 2015
Opposition No. 91220281

Opposer,

Vs.

Mark Wentura,
d/b/a The Iron Horse Clothing Company

Applicant.

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant, composed of Mark Wentura, for its/his answer to the Notice of Opposition filed by Iron Horse Originals, Inc. against application for registration of Applicant's trademark The IRON HORSE Clothing Company, Serial No. 86/208,174 filed February 28, 2014, and published in the Official Gazette of September 23, 2014, pleads and avers as follows in response to each of the grounds for opposition enumerated by Opposer:

1. Applicant is without knowledge or information sufficient to form a belief as to truth thereof.
2. Applicant is without knowledge or information sufficient to form a belief as to truth thereof.
3. Denied.
4. Applicant is without knowledge or information sufficient to form a belief as to truth thereof.
5. Applicant is without knowledge or information sufficient to form a belief as to truth thereof.

6. Denied.

7. Denied.

8. Denied.

9. Denied.

10. Denied.

11. Applicant is without knowledge or information sufficient to form a belief as to truth thereof.

12. Denied.

13. Denied.

APPLICANT'S AFFIRMATIVE DEFENSES

First Affirmative Defense

Opposer will not suffer any damages by U.S. registration and use by Applicant of the opposed mark.

Second Affirmative Defense

There is no likelihood of confusion, mistake, or deception between the opposed mark and Opposer's subject mark due to sufficient difference in: (1) the appearance, sound, connotation, and commercial impression of the opposed mark with respect to those of the subject mark; (2) the nature of the goods offered or to be offered by Applicant under the opposed mark with respect to that offered or to be offered by Opposer under the subject mark; (3) the targeted or intended consumers of Applicant with respect to those of Opposer; and (4) the trade channels used or to be used by Applicant with respect to those used or to be used by Opposer.

Third Affirmative Defense

Applicant applied for the opposed mark in good faith.

Fourth Affirmative Defense

Opposer's subject mark is not famous.

Fifth Affirmative Defense

Applicant reserves its right to amend its answer to the “Notice of Opposition” and its affirmative defenses, assert such additional affirmative defenses as it deems appropriate and such counterclaims as may be permitted that may now exist or in the future are available based upon discovery and further factual investigation in this proceeding.

WHEREFORE, Applicant requests that the notice of opposition be dismissed.

Respectfully submitted,

A handwritten signature in black ink that reads "Mark Wentura". The signature is written in a cursive, slightly slanted style.

Mark Wentura
2239-97 Black Canyon Road
Ramona, CA 92065
(858) 663-3110
Applicant

Date: February 23, 2015

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Applicant's Answer to Notice of Opposition has been served on opposing counsel by mailing said copy on February 23 2015, via First Priority Mail, postage prepaid to:

Heather Bond Vargas, Esq.
Cobb Cole, P.A.
P.O. Box 2491
Daytona Beach, FL 32115
UNITED STATES

A handwritten signature in black ink that reads "Mark Wentura". The signature is written in a cursive style and is positioned above a horizontal line.

Mark Wentura