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

Proceeding	91220393
Party	Defendant Dabble Apps, LLC
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Submission	Answer
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Date	03/05/2015
Attachments	2015-03-05_Answer to Notice of Opposition.pdf(17800 bytes )

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

In re Application Serial No. 86/269,713  
Filed: May 2, 2014  
For Mark: AIRLYFT  
Published in the *Official Gazette*: September 30, 2014

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LYFT, INC.,	:	
	:	
Opposer,	:	<b>Opposition No. 91220393</b>
	:	
	:	
DABBLE APPS, LLC,	:	
	:	
Applicant.	:	
	:	
-----X	:	

Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

**ANSWER TO NOTICE OF OPPOSITION**

Applicant, DABBLE APPS, LLC (“Applicant”) hereby submits its Answer to the Notice of Opposition (“Opposition”). As to the first unnumbered paragraph, Applicant is without sufficient knowledge as to whether LYFT, INC. (“Opposer”) is a corporation organized and existing under the laws of the state of Delaware, located at 548 Market Street #68514, San Francisco, CA 94104. Applicant, therefore, denies the same. Applicant admits that Application Serial No. 86/269,713 (the “Application”), for the mark AIRLYFT and design (“AIRLYFT Mark”) is owned by Applicant, however, Applicant denies the remaining allegations pertaining to the Application, and requests that this opposition action be dismissed.

Here follows Applicant’s answers to the grounds of the opposition as set forth in the numbered paragraphs in the Notice of Opposition:

1. Applicant is without knowledge or information as to the allegations contained in Paragraph 1, and therefore, denies same.

2. Applicant is without knowledge or information as to the allegations contained in Paragraph 2, and therefore, denies same.

3. Applicant is without knowledge or information as to the allegations contained in Paragraph 3, and therefore, denies same.

4. Applicant is without knowledge or information as to the allegations contained in Paragraph 4, and therefore, denies same.

5. Applicant is without knowledge or information as to the allegations contained in Paragraph 5, and therefore, denies same.

6. Applicant acknowledges that Opposer is listed in the U.S. Patent and Trademark Office's TESS database as the owner of record of the listed pending applications, but is without knowledge or information as to the allegations contained in Paragraph 6, and therefore, denies same.

7. Applicant admits it seeks to register the AIRLYFT Mark in International Class 39 for air transportation, and that Applicant operates a business under the AIRLYFT Mark. Applicant denies the remaining allegations contained in Paragraph 7.

8. Applicant admits it is the owner of the website, [www.airlyft.com](http://www.airlyft.com), which contains the wording "pairs private pilots who have extra seats with friends of other pilots who want to hitch a ride," and once a flight is completed, the user is then asked for a donation, which can be adjusted by the passenger. Applicant denies the remaining allegations contained in Paragraph 8.

9. Applicant admits it uses the tagline "imagine carpooling in the skies..." Applicant denies the remaining allegations contained in Paragraph 9.

10. Applicant denies the allegations contained in Paragraph 10.

11. Applicant admits Opposer sent a letter to Applicant on October 10, 2014.

Applicant denies the remaining allegations contained in Paragraph 11.

12. Applicant denies the allegations contained in Paragraph 12.

13. Applicant denies the allegations contained in Paragraph 13.

14. Applicant denies the allegations contained in Paragraph 14.

15. Applicant denies the allegations contained in Paragraph 15.

### **AFFIRMATIVE DEFENSES**

1. Opposer fails to state a claim upon which relief could be granted.

2. Applicant's AIRLYFT Mark, when applied to "air transportation," is not likely to cause confusion, mistake or deception with any mark, either registered or unregistered, alleged by Opposer.

3. Opposer's claims are barred, in whole or in part, under the doctrines of estoppel, acquiescence, and waiver.

4. Opposer's marks are merely descriptive and are not entitled to registration and or enforcement against Applicant.

5. Applicant reserves its right to assert additional affirmative defenses and to oppose any trademarks or cancel any trademark registrations asserted by Opposer as part of its grounds for seeking opposition of Applicant's mark as it may be determined through discovery.

WHEREFORE, Applicant prays that the opposition be dismissed and that Applicant's mark be passed to allowance, and for any and all other relief as is just and proper in the premises.

Dated: March 5, 2015.

Respectfully submitted,

/s/ Mark F. Warzecha

Mark F. Warzecha, Esq.

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**Attorney for Applicant**

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of Applicant's Answer to Notice of Opposition was served upon Opposer's counsel, Holly Pranger by electronic mail to hpranger@prangerlaw.com and first class mail to:

Holly Pranger, Esquire  
Pranger Law Group  
88 Guy Place, Suite 405  
San Francisco, California 94105

/s/ Mark F. Warzecha

Mark F. Warzecha, Esq.