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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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Date	08/07/2015
Attachments	2015-08-07_Answer to Notice of Opposition.pdf(131025 bytes)

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

In re Application Serial No. 86/353,252
Filed: July 31, 2014
For Mark: MOZAIC BRANDING & Design
Published in the *Official Gazette*: February 3, 2015

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MOSAIC PARENT HOLDINGS, INC.,	:	
Opposer,	:	Opposition No. 91220393
	:	
SEMAPHORE BRAND SOLUTIONS, INC.,	:	
Applicant.	:	
-----X	:	

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

ANSWER TO NOTICE OF OPPOSITION

Applicant, SEMAPHORE BRAND SOLUTIONS, INC. (“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 MOSAIC PARENT HOLDINGS, INC. (“Opposer”) is a corporation organized and existing under the laws of the state of Delaware, located at 6600 Corporate Center Parkway, Jacksonville, Florida 32216. Applicant, therefore, denies the same. Applicant admits that is a corporation organized under the laws of California, with its principal place of business at 16420 Bake Parkway, Irvine, California 92618. Applicant admits Application Serial No. 86/353,252 (the “Application”), for the mark MOZAIC BRANDING & Design (“MOZAIC 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 Opposition:

1. Applicant admits Opposer is the listed owner of U.S. Registration No. 4,558,133. Applicant is without knowledge or information as to the remaining allegations contained in Paragraph 1, and therefore, denies same.

2. Applicant admits the allegations contained in Paragraph 2.

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

4. Applicant admits that a printout of information contained on the U.S. Patent and Trademark Office's ("USPTO") TESS database for U.S. Registration No. 4,558,133 is attached to the Opposition. Applicant is without knowledge or information as to the remaining allegations contained in Paragraph 4, and therefore, denies same.

5. Applicant admits Opposer is the listed owner of U.S. Registration No. 4,558,134. Applicant is without knowledge or information as to the remaining allegations contained in Paragraph 5, and therefore, denies same.

6. Applicant admits the allegations contained in Paragraph 6.

7. Applicant is without knowledge or information as to the allegations contained in Paragraph 7, and therefore, denies same.

8. Applicant admits that a printout of information contained on the USPTO's TESS database for U.S. Registration No. 4,558,134 is attached to the Opposition. Applicant is without

knowledge or information as to the remaining allegations contained in Paragraph 8, and therefore, denies same.

9. Applicant acknowledges that Opposer is listed in the USPTO's TESS database as the owner of record of the listed pending application, but is without knowledge or information as to the allegations contained in Paragraph 9, and therefore, denies same.

10. Applicant admits that a printout of information contained on the USPTO's TESS database for U.S. Application Serial No. 86/557,963 is attached to the Opposition. Applicant is without knowledge or information as to the remaining allegations contained in Paragraph 10, and therefore, denies same.

11. Applicant is without knowledge or information as to the allegations contained in Paragraph 11, and therefore, denies same.

12. Applicant is without knowledge or information as to the allegations contained in Paragraph 12, and therefore, denies same.

13. Applicant is without knowledge or information as to the allegations contained in Paragraph 13, and therefore, denies same.

14. Applicant admits there are printouts of the website www.mosaic.com attached to the Opposition. Applicant is without knowledge or information as to the remaining allegations contained in Paragraph 14, and therefore, denies same.

15. Applicant is without knowledge or information as to the allegations contained in Paragraph 15, and therefore, denies same.

16. Applicant is without knowledge or information as to the allegations contained in Paragraph 16, and therefore, denies same.

17. Applicant is without knowledge or information as to the allegations contained in Paragraph 17, and therefore, denies same.

18. Applicant admits it seeks to register the MOZAIC Mark in for “Branding services, namely, consulting, development, management and marketing of brands for business and/or individuals.” Applicant denies the remaining allegations contained in Paragraph 18.

19. Applicant admits the allegations contained in Paragraph 19.

20. Applicant admits that a printout of information contained on the USPTO’s TESS database for the MOZAIC Mark is attached to the Opposition. Applicant is without knowledge or information as to the remaining allegations contained in Paragraph 20, and therefore, denies same.

21. Applicant denies the allegations contained in Paragraph 21.

22. Applicant denies the allegations contained in Paragraph 22.

23. Applicant denies the allegations contained in Paragraph 23.

24. Applicant denies the allegations contained in Paragraph 24.

25. Applicant denies the allegations contained in Paragraph 25.

26. Applicant denies the allegations contained in Paragraph 26.

27. Applicant denies the allegations contained in Paragraph 27.

28. Applicant denies the allegations contained in Paragraph 28.

29. Applicant denies the allegations contained in Paragraph 29.

30. Applicant denies the allegations contained in Paragraph 30.

31. Applicant denies the allegations contained in Paragraph 31.

32. Applicant denies the allegations contained in Paragraph 32.

AFFIRMATIVE DEFENSES

1. Opposer fails to state a claim upon which relief could be granted.
2. Applicant's MOZAIC Mark, when applied to "Branding services, namely, consulting, development, management and marketing of brands for business and/or individuals," is not likely to cause confusion, mistake or deception with any mark, either registered or unregistered, alleged by Opposer.
3. Opposer has not and will not be damaged by Applicant's registration of the MOZAIC Mark, and therefore lacks standing to oppose the registration of the MOZAIC Mark.
4. Opposer's claims are barred, in whole or in part, under the doctrines of estoppel, acquiescence, and waiver.
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: August 7, 2015.

Respectfully submitted,

/s/ Mark F. Warzecha
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CERTIFICATE OF SERVICE

I hereby certify that a true copy of Applicant's Answer to Notice of Opposition was served upon Opposer's counsel, Elizabeth G. Borland by electronic mail to egborland@sgrlaw.com and first class mail to:

Elizabeth G. Borland, Esquire
SMITH, GAMBRELL & RUSSELL, LLP
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/s/ Mark F. Warzecha
Mark F. Warzecha, Esq.