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

Proceeding	91220516
Party	Defendant AGDA GLOBAL INC.
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Date	03/16/2015
Attachments	Answer to Notice of Opposition No. 91220516.pdf(75705 bytes)

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

In the Matter of Application Serial No.:
86382970 for ZOB and Design

Published in the Official Gazette
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REPUBLIC TECHNOLOGIES (NA), LLC,

Opposer,

v.

AGDA GLOBAL, INC.,

Applicant.

OPPOSITION NO. 91220516

ANSWER TO NOTICE OF OPPOSITION

Applicant, AGDA Global, Inc. (“Applicant”), by and through its undersigned counsel, hereby answers Republic Technologies (NA), LLC’s (“Opposer”) Notice of Opposition against Applicant’s U.S. Application Serial No. 86382970, for its registration of the ZOB mark and Design, and states as follows:

With respect to the introductory paragraph of the Notice of Opposition, Applicant denies that Opposer will be damaged by registration and therefore opposes the same.

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Notice of Opposition, and therefore, denies all such allegations.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Notice of Opposition, and therefore, denies all such allegations.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Notice of Opposition, and therefore, denies all such allegations.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Notice of Opposition, and therefore, denies all such allegations.

5. Applicant admits that printouts of the registrations issued by the United States Patent and Trademark Office of the referenced registrations are attached to the Notice of Opposition as Exhibit A, but is without knowledge or information concerning the ownership, validity or legal significance of the registrations, and therefore denies each and every remaining allegation of this paragraph.

6. In regards to Paragraph 6 of the Notice of Opposition, Applicant admits that, on September 2, 2014, it filed U.S. Application Serial No. 86382970 to register its ZOB mark and Design. Applicant denies each and every remaining allegation of this paragraph.

7. Applicant denies each and every allegation contained in Paragraph 7 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE (Failure to State a Claim)

8. The Notice of Opposition, and the allegations set forth therein, fails to state a cause of action for which relief may be granted. In particular, the claim of likelihood of confusion consists of conclusive statements that are a mere recital of the elements rather than any specific facts.

**SECOND AFFIRMATIVE DEFENSE
(Lack of Likelihood of Confusion)**

9. Applicant's mark is not likely to cause confusion with Opposer's mark. Among other things, the parties' marks and trade dress are extremely dissimilar and Applicant includes its name and logo prominently on all its goods; Applicant has been marketing its ZOB tobacco glass water pipes for over six years without incident involving any actual confusion; the products at issue are extremely dissimilar and there is no reason to believe consumers would expect a manufacturer of cigarette papers, cigarette rolling machines, and filter tips for cigarettes, such as Opposer, to be a participant in the highly specialized market for glass tobacco water pipes; Applicant had no intention of reaping any benefit from Opposer or its marks in choosing the name ZOB and marketing its product under that name; and there is no evidence Opposer has ever sought to expand products to include tobacco glass water pipes in the many years Opposer claims to be in existence.

WHEREFORE, Applicant prays that this Board deny Opposer's Notice of Opposition in its entirety, dismiss the same with prejudice, proceed with registration of U.S. Application Serial No. 86382970, and for such further relief the Board deems appropriate.

Respectfully submitted,

Dated: March 16, 2015

By: /Robert R. Villanueva/
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the forgoing ANSWER TO NOTICE OF OPPOSITION has been served on Antony J. McShane, Esq., by mailing said copy on March 16, 2015, via First Class Mail, postage prepaid to:

Antony J. McShane
Neal, Gerber & Eisenberg, LLP
2 North LaSalle Street, Suite 1700
Chicago, Illinois 60602

By: /Robert R. Villanueva/
Date: March 16, 2015