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

Proceeding	91220588
Party	Defendant Lancer Controls, LLC
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Date	05/22/2015
Attachments	Answer to Nodify Opposition - May 22 2015.pdf(116069 bytes)

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

In the matter of Trademark Application
Ser. No. 86/223,907 for **NODIFY**
Filed on March 18, 2014
Published in the *Official Gazette* on October 14, 2014

Nodify, Inc.,

Opposer,

v.

Lancer Controls, LLC,

Applicant.

Opposition No.: 91220588

**ANSWER TO NOTICE OF
OPPOSITION**

ANSWER TO NOTICE OF OPPOSITION

Through the undersigned counsel, Applicant Lancer Controls, LLC (“Applicant”) answers the Notice of Opposition (“Opposition”) filed against Application Serial No. 86/223,907 (the “Application”) by Opposer Nodify, Inc. (“Opposer”), as set forth below. The Answer paragraphs are numbered to correspond to the numbered paragraphs of the Opposition.

The preamble paragraph of the Opposition on page 1, which is not numbered, is an introductory paragraph to which no responsive pleading is required. To the extent that a response is deemed necessary, Applicant is without information or belief sufficient to admit or deny the allegations concerning Opposer’s corporate status, location, and/or belief with respect to the mark NODIFY shown in the Application (the “NODIFY Mark” or the “Proposed Mark”) and, on that basis, denies those allegations. However, Applicant admits that Applicant is the owner of the Application identified therein.

1. Admitted.

2. Denied.

3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3 of the Opposition, and on that basis denies the allegations therein.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 4 of the Opposition, and on that basis denies the allegations therein.

5. Applicant admits that Opposer appears to be the listed owner of record for the U.S. Trademark Application listed in Paragraph 5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in paragraph 5 of the Opposition, and on that basis denies the allegations therein.

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 6 of the Opposition, and on that basis denies the allegations therein.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 7 of the Opposition, and on that basis denies the allegations therein.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 8 of the Opposition, and on that basis denies the allegations therein.

9. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 9 of the Opposition, and on that basis denies the allegations therein.

10. Applicant admits that it intends to provide the services referenced in the Application to commercial fuel stations, but further responds that it intends to provide the services to other consumers as well. Applicant further responds that there are no goods identified in the Application.

11. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 11 of the Opposition, and on that basis denies the allegations therein.

12. Admitted as to the services identified in the Application. Applicant further responds that there are no goods identified in the Application.

13. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 13 of the Opposition, and on that basis denies the allegations therein.

14. Applicant admits that it intends to market and sell the services referenced in the Application to commercial fuel stations, but further responds that it intends to provide the services to other consumers as well. Applicant further responds that there are no goods identified in the Application.

15. Applicant responds that paragraph 15 of the Opposition consists of legal conclusions to which no response is required. To the extent a response is deemed required, Applicant admits that the visual appearance of the respective marks appears to be identical.

16. Applicant responds that paragraph 16 of the Opposition consists of legal conclusions to which no response is required. To the extent a response is deemed required, Applicant denies the allegations therein.

17. Applicant responds that paragraph 17 of the Opposition consists of legal conclusions to which no response is required. To the extent a response is deemed required, Applicant denies the allegations therein.

18. Applicant responds that paragraph 18 of the Opposition consists of legal conclusions to which no response is required. To the extent a response is deemed required, Applicant denies the allegations therein.

AFFIRMATIVE DEFENSES

By way of further answer, Applicant alleges the following affirmative defenses:

19. Applicant is informed and believes and thereon alleges that the Opposition, and each purported cause of action contained therein, fails to state a claim upon which relief may be granted.

20. Applicant may have additional, yet unstated affirmative defenses which discovery may disclose. Applicant reserves the right to assert these additional affirmative defenses as appropriate when they are discovered.

WHEREFORE, Applicant prays for judgment as follows:

1. Dismissal of the Opposition in its entirety and with prejudice;
2. Grant of registration on Applicant's Proposed Mark; and

3. For such other and further relief as the Board deems just and proper.

LANCER CONTROLS, LLC

Respectfully Submitted,



Date May 22, 2015

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ATTORNEY FOR APPLICANT

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and complete copy of the foregoing Answer to Notice of Opposition has been served this 22 day of May, by mailing said copy via First Class Mail postage prepaid, to the below-identified Counsel for Opposer:

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