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

Proceeding	91220602
Party	Defendant Ello, Inc.
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Submission	Answer
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Date	02/18/2015
Attachments	ELLO opposition answer.pdf(317828 bytes)

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

In the matter of Trademark Application

Serial No.: 86205810
By: Ello, PBC
For the Trademark: ELLO
Published in the *Official Gazette*: October 14, 2014

Valery Sigal, Opposer, v. Ello, PBC Applicant.	Opposition No. 91220602

ANSWER AND AFFIRMATIVE DEFENSES

Ello, PBC ("Applicant"), by and through its counsel, hereby answers the Notice of Opposition by addressing each allegation and stating affirmative defenses.

Answering the preamble of the Notice of Opposition, Applicant is without knowledge or information sufficient to admit or deny Valery Sigal's ("Opposer") residency and location, and its claim of damage, and on that basis denies such allegations. Answering the second part of the preamble, Applicant hereby provides updated information regarding its corporate entity and address and, as updated with the U.S. Patent and Trademark Office), the current owner of the above-referenced application for ELLO (the "Application") is Ello, PBC, with an address of 688 Pine Street, Suite 2A, Burlington, Vermont 05401.

ANSWER

1. Answering the allegations of Paragraph 1 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 1, and on that basis, denies the allegations.

2. Answering the allegations of Paragraph 2 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 2, and on that basis, denies the allegations.

3. Answering the allegations of Paragraph 3 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 3, and on that basis, denies the allegations.

4. Answering the allegations of Paragraph 4 of the Notice of Opposition, Applicant admits it owns the mark ELLO, filed February 27, 2014 with the U.S. Patent & Trademark Office ("PTO"), Ser. No. 86205810, for "On-line social networking services," in international class 045.

5. Answering the allegations of Paragraph 5 of the Notice of Opposition, Applicant admits it has a *bona fide* intent to use the ELLO Mark in commerce in the United States; Applicant is without sufficient knowledge or information to form a belief as to the truth of the additional allegations outlined in Paragraph 5, and on that basis, denies the allegation.

6. Answering the allegations of Paragraph 6 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 6, and on that basis, denies the allegations.

7. Answering the allegations of Paragraph 7 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 7, and on that basis, denies the allegations.

8. Answering the allegations of Paragraph 8 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 8, and on that basis, denies the allegations.

9. Answering the allegations of Paragraph 9 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 9, and on that basis, denies the allegations.

10. Denied.

11. Denied.

12. Answering the allegations of Paragraph 12 of the Notice of Opposition, Applicant re-answers and incorporates herein by reference the answers of Paragraphs 1-11.

13. Answering the allegations of Paragraph 13 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 13, and on that basis, denies the allegations.

14. Paragraph 14 contains legal conclusions to which no response is required. To the extent a response is required, Applicant denies the allegations of paragraph 14.

15. Answering the allegations of Paragraph 15 of the Notice of Opposition, Applicant re-answers and incorporates herein by reference the answers of Paragraphs 1-14.

16. Paragraph 16 contains legal conclusions to which no response is required. To the extent a response is required, Applicant denies the allegations of paragraph 16.

17. Answering the allegations of Paragraph 17 of the Notice of Opposition, Applicant re-answers and incorporates herein by reference the answers of Paragraphs 1-16.

18. Paragraph 18 contains legal conclusions to which no response is required. To the extent a response is required, Applicant denies the allegations of paragraph 18.

19. Answering the allegations of Paragraph 19 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 19, and on that basis, denies the allegations.

AFFIRMATIVE DEFENSES

Applicant asserts the following affirmative defenses without conceding that it has the burden of proof or burden of producing evidence with respect to any of these issues.

1. Opposer's claims are barred by lack of standing.

2. Applicant's acts are privileged and lawful.

3. Applicant hereby reserves all rights to assert additional defenses that are not now known but may later become known through discovery or other means.

Wherefore, Applicant respectfully requests that the Notice of Opposition be dismissed and Applicant's Mark be allowed to proceed to registration.

Date: February 18, 2015

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 18th day of February 2015, a true and correct copy of the foregoing ANSWER AND AFFIRMATIVE DEFENSES was served upon Opposer by U.S. First Class Mail in an envelope, postage pre-paid, addressed as follows:

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