

ESTTA Tracking number: **ESTTA671173**

Filing date: **05/08/2015**

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

Proceeding	91221319
Party	Defendant NEAT PRINT INC
Correspondence Address	NEAT PRINT INC 5317 FRUITVILLE RD UNIT 188 SARASOTA, FL 34232-6402 neatprintinc@yahoo.com
Submission	Answer
Filer's Name	Daniel R. Frijouf
Filer's e-mail	frijouf@frijouf.com
Signature	/d/
Date	05/08/2015
Attachments	NEAT.15005 Answer.pdf(23382 bytes)

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

In the matter of United States Trademark Application Serial No. 86331626

Riverstone Ventures LLC,)	
)	
Opposer,)	Opposition No.: 91221319
)	
v.)	
)	
Neat Print, Inc.)	
)	
Applicant.)	

ANSWER TO NOTICE OF OPPOSITION

COMES NOW, Neat Print, Inc. (“Applicant”), by and through its attorneys, and hereby answers and asserts affirmative defenses to the Notice of Opposition, filed by Riverstone Ventures LLC (“Opposer”). Unless specifically admitted by Applicant herein, Applicant denies each and every allegation in Opposer’s Notice of Opposition.

Applicant’s Answer to the First, Non-enumerated Paragraph of the Notice of Opposition

As to Opposer’s first non-enumerated “preamble” paragraph, Applicant denies that there is or will be any damage, whatsoever, to the Opposer by reason of United States Application No. 86331626 (“Applicant’s Mark”), or any resulting registration on the Principal Register of the United States Patent and Trademark Office. Applicant admits that this purports to be an Opposition to Applicant’s Mark. Applicant is without

knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Opposer's preamble paragraph and therefore denies the same.

**Applicant's Answers to the Specifically Enumerated
Paragraphs of the Notice of Opposition**

1. Admitted.
2. Admitted.

**COUNT I:
LIKELIHOOD OF CONFUSION**

3. Applicant admits that this purports to be an Opposition to Applicant's Mark under the Lanham Act. Applicant denies that there is or will be any damage, whatsoever, to the Opposer by reason of United States Application No. 86331626, or any resulting registration on the Principal Register of the United States Patent and Trademark Office.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4, and therefore denies the same.

5. Denied.
6. Denied.
7. Denied.
8. Denied.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 9, and therefore denies the same.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10, and therefore denies the same.

11. Applicant admits that Applicant's Application has no limitation on trade channels. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 11, and therefore denies the same.

12. Denied.

13. Denied.

14. Denied.

**Applicant's Answer to the Non-enumerated "Prayer for Relief"
Clause of the Notice of Opposition**

As to Opposer's non-enumerated prayer for relief *qua* "WHEREFORE" clause, Applicant respectfully requests denial of the relief sought therein, and instead requests that the present Notice of Opposition be dismissed with prejudice, and that Applicant's Mark be granted a Registration.

**COUNT II:
FAILURE TO FUNCTION**

15. Applicant incorporates by reference its answers to paragraphs 1 through 14 as if fully set forth herein.

16. Admitted.

17. Admitted.

18. Denied.

19. Denied.

21. Denied.

22. Denied.

**Applicant's Answer to the Second Non-enumerated "Prayer for Relief"
Clause of the Notice of Opposition**

As to Opposer's second non-enumerated prayer for relief *qua* "WHEREFORE" clause, Applicant respectfully requests denial of the relief sought therein, and instead requests that the present Notice of Opposition be dismissed with prejudice, and that Applicant's Mark be granted a Registration.

Applicant's Affirmative and Other Defenses to the Notice of Opposition

1. The Notice of Opposition fails to state a cause of action upon which relief may be granted.

2. Opposer's claims are barred in whole or in part by the doctrine of estoppel, unclean hands, waiver, laches and/or acquiescence.

3. The scope of Opposer's trademark rights, if any, are not broad enough to preclude Applicant's use and registration of Applicant's Mark.

4. Opposer's alleged use, if any, of Opposer mark is limited to ornamental use.

5. Consumer confusion is not likely between Applicant's Mark and Opposer's Mark.

6. Applicant presently has insufficient knowledge or information upon which to form a belief as to whether it has additional, as yet unstated, affirmative defenses and

claims for relief available. Applicant reserves the right to assert additional affirmative defenses and other claims for relief for which Applicant has developed factual support pending the outcome of discovery or otherwise.

WHEREFORE, Applicant having fully answered the Opposition, Applicant respectfully prays:

- (i) that the Opposition be dismissed and/or denied in its entirety with prejudice;
- (ii) that judgment be entered in favor of Applicant on the Opposition and each and every claim and count thereof;
- (iii) that a Registration be issued to Applicant for Applicant's Mark, as applied for in Application Serial No. 86331626; and
- (iv) that Applicant be granted such other and further relief as the Board deems just and proper.

Frijouf, Rust & Pyle, P.A.



05-08-15

Date

Daniel R. Frijouf
Robert F. Frijouf
David A. Frijouf
Frijouf, Rust & Pyle, P.A.
201 East Davis Blvd
Tampa, Florida 33606
Tel: 813.254.5100
Fax: 813.254.5400
frijouf@frijouf.com
dan@frijouf.com
Attorneys for Applicant

CERTIFICATE OF SERVICE

It is hereby certified that this Answer was furnished by United States Mail postage prepaid upon Joan Optican Herman of HOVEY WILLIAMS LLP of 10801 Mastin Blvd., Suite 1000 Overland Park, Kansas 66210, this 8th day of May 2015.



Daniel R. Frijouf
Frijouf, Rust & Pyle, P.A.
201 East Davis Blvd
Tampa, Florida 33606
Tel: 813.254.5100
Fax: 813.254.5400
frijouf@frijouf.com
dan@frijouf.com
Attorneys for Applicant