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

Proceeding	91221862
Party	Defendant Applico
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Date	06/18/2015
Attachments	Platform Thinking _ Applicant's Answer _ 91220581.pdf(26695 bytes)

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

Platform Thinking Labs PTE. LTD.)	
)	
Opposer,)	Opposition No. 91221862
)	Ser. No. 86/263,983
v.)	Mark: PLATFORM THINKING
)	
Applico)	
)	
)	
Applicant.)	
)	
)	
)	

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant, Applico (hereinafter, “Applicant”), a limited liability company organized and existing under the laws of the State of California, having an address of 220 E. 23rd St. Ste. 501, New York, New York 10010, by its attorneys hereby responds to the allegations set forth in the Notice of Opposition filed by Platform Thinking Labs PTE. LTD. (hereinafter, “Opposer”), as follows:

1. The first paragraph in Opposer’s pro se filed Notice of Opposition requires no response.
2. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 2 of the Notice of Opposition, and therefore denies all such allegations.
3. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 3 of the Notice of Opposition, and therefore denies all such allegations.
4. Applicant denies the truth of the allegations set forth in Paragraph 4 of the Notice of Opposition.
5. Applicant denies the truth of the allegations set forth in Paragraph 5 of the Notice of Opposition.

6. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 6 of the Notice of Opposition, and therefore denies all such allegations.
7. Applicant denies the truth of the allegations set forth in Paragraph 7 of the Notice of Opposition.
8. Applicant denies the truth of the allegations set forth in Paragraph 8 of the Notice of Opposition, including the lists Opposer provides below Paragraph 8.
9. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 9 of the Notice of Opposition, and therefore denies all such allegations. For clarity, Paragraph 9 appears after Opposer's list of domains in Paragraph 8. Paragraph 9 begins with, "Most documents related to business consulting and advisory are confidential. . . .".
10. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 10 of the Notice of Opposition, the final paragraph, and therefore denies all such allegations, including the lists which follow. For clarity, Paragraph 10 begins with, "The following are two openly available instances . . .", and ends with, ". . . as a mentor for the US-based startups at 500 Startups."

AMPLIFICATION OF DENIALS

11. As a first and separate defense, Applicant is informed and believes, and on this basis asserts that Opposer's claims are barred from recovery due to the fact that there is no evidence or allegation of any actual confusion, deception or mistake among consumers as to the source of each party's respective goods and/or services.
12. As a second and separate defense, Applicant is informed and believes, and on this basis asserts that Opposer's claims are barred from recovery due to the fact that Applicant

adopted and created its mark in good faith and without any intent to confuse or deceive the public.

13. As a third and separate defense, Applicant is informed and believes, and on this basis asserts that Opposer's claims are barred from recovery due to the fact Applicant has priority of use of the contested mark, PLATFORM THINKING, in United States commerce.
14. As a fourth and separate defense, Applicant is informed and believes, and on this basis asserts that Opposer's claims are barred from recovery due to the fact that Opposer's services are rendered in Singapore.
15. As a fifth and separate defense, Applicant is informed and believes and on this basis asserts that Opposer's claims are barred from recovery due to the fact that Opposer's goods and/or services are marketed toward different consumers and in separate channels of trade than are Applicant's applied-for services.

AFFIRMATIVE DEFENSES

16. As a first and separate affirmative defense, Applicant is informed and believes and on this basis asserts that Opposer's claims are barred from recovery due to the fact that Opposer fails to state a claim upon which relief may be granted.
17. As a second and separate affirmative defense, Applicant is informed and believes and on this basis asserts that Opposer's claims are barred from recovery due to the fact that each of the purported claims set forth in Opposer's Notice of Opposition is barred by the doctrines of waiver, acquiescence and estoppel.
18. As a third and separate affirmative defense, Applicant is informed and believes and on this basis asserts that Opposer's claims are barred from recovery due to the doctrine of unclean hands.

19. As a fourth and separate affirmative defense, Applicant is informed and believes and on this basis asserts that Opposer's claims are barred from recovery due to the fact that Applicant has not infringed any applicable trademarks under federal or common law.
20. As a fifth and separate affirmative defense, Applicant is informed and believes and on this basis asserts that Opposer's claims are barred from recovery due to the fact that Opposer has made no trademark use of the contested mark, PLATFORM THINKING, in United States commerce in connection with the provision of any services or the sale of any goods.
21. As a sixth and separate affirmative defense, Applicant is informed and believes and on this basis asserts that Opposer's claims are barred from recovery due to the fact that Opposer can assert no trademark rights in the United States to the contested mark, PLATFORM THINKING, and is not currently using the contested mark in United States commerce.
22. As a seventh and separate affirmative defense, Applicant is informed and believes and on this basis asserts that Opposer's claims are barred from recovery due to the fact that even if Opposer has made a valid trademark use in the United States of the contested mark, PLATFORM THINKING, Opposer's rights in this mark have been abandoned due to non-use in United States commerce.
23. As an eighth and separate affirmative defense, Applicant is informed and believes and on this basis asserts that Opposer's claims are barred from recovery due to the fact that Opposer can assert no valid, common law rights to the contested mark, PLATFORM THINKING, under the laws of the United States of America.
24. As a ninth and separate affirmative defense, Applicant is informed and believes and on this basis asserts that Opposer's claims are barred from recovery due to the fact that Opposer can assert no valid, federal trademark rights to the contested mark, PLATFORM THINKING, under the laws of the United States of America.

25. As a tenth and separate affirmative defense, Applicant is informed and believes and on this basis asserts that Opposer's claims are barred from recovery due to the fact that Opposer does not have standing to challenge Applicant's trademark application for the contested mark, PLATFORM THINKING.

WHEREFORE, Applicant prays that this Opposition be denied and the registration of U.S. Application Serial No. 86/263,983 be granted.

Dated as of: June 18, 2015

By: /Michael W. Schroeder/
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PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION** has been served on Sangeet Paul Choudary, correspondent for Opposer, on June 18, 2015, via First Class U.S. Mail, postage prepaid to:

SANGEET PAUL CHOUDARY
PLATFORM THINKING LABS PTE.LTD.
04-02, 1005 LOWER DELTA ROAD
SINGAPORE, 099309
SINGAPORE

By: /Michael W. Schroeder/
Michael W. Schroeder