

ESTTA Tracking number: **ESTTA679276**

Filing date: **06/22/2015**

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

Proceeding	91221886
Party	Defendant Liontrust Asset Management PLC
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Submission	Answer
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Date	06/22/2015
Attachments	NYDOCS1-#1015392-v1-Answer_to_MBSC_Opposition.pdf(14037 bytes )

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

In the matter of trademark application Serial No. 86/168282  
For the mark LIONTRUST  
Published in the *Official Gazette* on January 13, 2015

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MBSC SECURITIES CORP.,	:	
	:	Opposition No. 91/221886
Opposer,	:	
	:	
-against-	:	
	:	
LIONTRUST ASSET MANAGEMENT PLC,	:	
	:	
Applicant.	:	

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**ANSWER TO NOTICE OF OPPOSITION**

Applicant Liontrust Asset Management PLC, a United Kingdom corporation, for its answer to Opposer’s Notice of Opposition herein, alleges as follows:

1. States that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 of the Notice of Opposition.
2. States that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2 of the Notice of Opposition.
3. As to paragraph 3 of the Notice of Opposition, states that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations thereof, except denies that “Lion” or “Letter From The Lion” is a trade name.
4. States that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4 of the Notice of Opposition, among other reasons, because Opposer has defined the term “Dreyfus” as used in its Notice of

Opposition to include corporations or entities other than Opposer and refers to unidentified “trademarks, trade names and service marks” other than the marks cited in the Notice of Opposition, except denies that LION EXPRESS, former Registration No. 2,796,913, is a “registered” trademark, it appearing that the registration has expired.

5. States that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 5 of the Notice of Opposition

6. States that it lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 6 of the Notice of Opposition, except denies that the “Dreyfus Trademarks” have become famous and exclusively associated with Dreyfus.

7. Denies the allegations of paragraph 7 of the Notice of Opposition.

8. Denies the allegations of paragraph 8 of the Notice of Opposition.

9. Denies the allegations of paragraph 9 of the Notice of Opposition.

10. Denies the allegations of paragraph 10 of the Notice of Opposition.

11. Denies the allegations of paragraph 11 of the Notice of Opposition.

12. Denies the allegations of paragraph 12 of the Notice of Opposition.

#### FIRST AFFIRMATIVE DEFENSE

13. Opposer’s Notice of Opposition fails to state a claim upon which relief may be granted.

#### SECOND AFFIRMATIVE DEFENSE

14. To the extent that Opposer seeks to assert purported rights or claims of, or on behalf of, entities other than Opposer by, *inter alia*, including entities other than Opposer in the collective definition of “Dreyfus” as used in the Notice of Opposition, the Notice

of Opposition is barred for lack of jurisdiction, and should be dismissed, as untimely and on the ground that such other entities lack standing to assert rights or claims.

#### THIRD AFFIRMATIVE DEFENSE

15. Opposer's cited registration for LION EXPRESS, Registration No. 2,796,913 has expired and, upon information and belief, Opposer has abandoned said mark.

#### FOURTH AFFIRMATIVE DEFENSE

16. Applicant's use of Applicant's applied-for mark is not likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection or association of Applicant's services with Opposer or Opposer's services, or as to the origin, sponsorship or approval of Applicant's services by Opposer.

#### FIFTH AFFIRMATIVE DEFENSE

17. Opposer's cited marks and marks and trade names referred to in Notice of Opposition are weak and entitled to only a narrow scope of protection because numerous third-party registrants and unregistered trademark or service mark users use marks and/or trade dress containing the element LION or elements similar thereto and/or use lion-related imagery or trade dress in connection with various financial services. As a result, consumers have learned to distinguish among such marks and/or trade dress based on small differences and will look to other elements to distinguish the source of the goods or services and trademark owners have come to believe that various lion-related marks can be used and registered in the financial services industry without causing confusion providing there are minimal differences between the marks.

SIXTH AFFIRMATIVE DEFENSE

18. Applicant reserves the right to assert additional affirmative defenses at such time and to the extent warranted by discovery and the factual development of this proceeding.

WHEREFORE, it is respectfully requested that Opposer's Opposition be denied in its entirety and dismissed with prejudice.

Dated: June 22, 2015

TANNENBAUM HELPERN SYRACUSE  
& HIRSCHTRITT LLP

By /L. Donald Prutzman/  
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**CERTIFICATE OF SERVICE**

I hereby certify that on June 22, 2015, I caused a true and correct copy of the foregoing ANSWER TO NOTICE OF OPPOSITION to be served by First Class U.S. mail, postage prepaid, on Opposer's counsel

Edward E. Vassallo, Esq.  
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/L. Donald Prutzman/ \_\_\_\_\_  
L. Donald Prutzman