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

Proceeding	91222555
Party	Defendant Nakinava Limited
Correspondence Address	ALEXANDER LAZOUSKI LAZOUSKI IP LLC 14726 BOWFIN TER SUITE 1 LAKEWOOD RANCH, FL 34202 UNITED STATES al@lzlzlawoffice.com
Submission	Answer
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Date	01/04/2016
Attachments	Answer GURU.pdf(119288 bytes)

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

Guru Beverage Co.,)	Mark: FITO GURU MAN'S FORCE
Opposer,)	
)	Opposition No. 91222555
)	
v.)	Serial No. 79143472
)	
Nakinava Limited)	Classes 32
)	
Applicant.	/	

ANSWER TO NOTICE OF OPPOSITION

Applicant, by and through its attorneys identified below, for its Answer to the Notice of Opposition, states as follows:

1. Applicant lacks sufficient information to admit or deny the allegations, and therefore denies such allegations.
2. Applicant lacks sufficient information to admit or deny the allegations, and therefore denies such allegations.
3. Applicant admits that the USPTO records indicate that Opposer is identified as the owner the U.S. registration No. 2775940 for the mark GURU in class 32 for “sports drinks, energy drinks and soft drinks” with the first date of use in commerce listed as August 1999 and registration date of February 11, 1999.
4. Applicant admits that the USPTO records indicate that Opposer is identified as the owner the U.S. registration No. 2789042 for the mark GURU ENERGY DRINK in class 32 for “sports drinks, energy drinks and soft drinks” with the first date of use in commerce listed as August 1999 and registration date of February 11, 1999.
5. Applicant admits allegations in paragraph 5.

6. Applicant admits allegations in paragraph 6.
7. Applicant admits allegations in paragraph 7.
8. Applicant admits allegations in paragraph 8.
9. Applicant admits allegations in paragraph 9.
10. Applicant denies allegations in paragraph 10.
11. Applicant lacks sufficient information to admit or deny the allegations, and therefore denies such allegations.
12. Applicant lacks sufficient information to admit or deny the allegations, and therefore denies such allegations.
13. Applicant denies allegations in paragraph 13.
14. Applicant denies allegations in paragraph 14.

AFFIRMATIVE DEFENSES

1. The Notice of Opposition is barred by estoppel.
2. The Notice of Opposition is barred by waiver.
3. The Notice of Opposition is barred by laches.
4. The Notice of Opposition is barred by acquiescence.
5. Opposer failed to allege adequate legal grounds to oppose Applicant's Application.
6. Opposer failed to state facts sufficient to oppose Applicant's Application.
7. Applicant's trademark is different from Opposer's trademarks in terms of meaning, sight, sound and commercial impression, and Applicant's mark is not confusingly similar to any trademark of Opposer.

8. Opposer coexists on the Principal Trademark Register with other marks containing a term “GURU” for beverages and related services.
9. In accordance with 37 CFR § 2.133 and Johnson & Johnson v. Stryker Corp., 109 USPQ2d 1077, 1080 (TTAB 2013), Applicant reserves the right to limit the identification of goods in trademark application Serial No. 79143472 to further clarify that no likelihood of confusion exists.
10. Applicant will assert any and all other valid defenses and/or counterclaims that will be developed through the discovery and/or testimony periods in this proceeding.

Accordingly, Applicant requests that the Notice of Opposition be dismissed and that Application No. 79143472 be allowed.

Respectfully submitted,

Date: January 4, 2016

By: /alexander lazouski/

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer to Notice of Opposition has been served on Opposer's counsel by mailing said copy on January 4, 2016 via First Class Mail, postage prepaid to:

Mark Harrison
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Po Box 34385
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By: /alexander lazouski/

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