

ESTTA Tracking number: **ESTTA704716**

Filing date: **10/27/2015**

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

Proceeding	91223884
Party	Defendant Carrot Creative, LLC
Correspondence Address	KIMBERLY B. HERMAN SULLIVAN & WORCESTER LLP 1 POST OFFICE SQ STE 2100 BOSTON, MA 02109-2129 kherman@sandw.com;trademark@sandw.com
Submission	Answer
Filer's Name	Lawrence R. Robins
Filer's e-mail	lrobins@sandw.com, trademark@sandw.com, kherman@sandw.com, sdou-glass@frosszelnick.com
Signature	/Lawrence R. Robins/
Date	10/27/2015
Attachments	Answer to Notice of Opposition (No. 91223884)(B1936727).PDF(87925 bytes)

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

DENTSU AEGIS NETWORK FRANCE,)	
)	
Opposer,)	Opposition No. 91223884
)	
v.)	Mark: CARROT
)	
CARROT CREATIVE, LLC,)	Application No. 86/415874
)	
Applicant.)	

ANSWER TO NOTICE OF OPPOSITION

The Applicant, Carrot Creative, LLC, a limited liability company of New York, hereby submits its Answer to the Notice of Opposition filed by Opposer, Dentsu Aegis Network France, a French corporation, in the above-captioned proceeding as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of these allegations and, therefore, denies them.

2. Applicant admits that Opposer is the owner of record of United States Trademark Registration Nos. 3862934 and 1573741, and that Registration No. 1573741 has become incontestable under Section 15 of the Trademark Act. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in this paragraph and therefore, denies them.

3. Admitted.

4. Applicant admits that it did not claim a prior use date in filing Application Serial No. 86/415874 under Section 2(b) of the Lanham Act. The remaining allegations of this paragraph constitute legal conclusions.

5. Applicant admits that its mark secures the word CARROT and that the word CREATIVE has been disclaimed. Applicant denies the remaining allegations of this paragraph.

6. Denied.

7. Denied.

8. Denied.

AFFIRMATIVE DEFENSES

In further answer to the Notice of Opposition, Applicant asserts the following affirmative defenses:

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim for Relief)

Opposer has failed to state a claim for which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

(Laches, Acquiescence, Estoppel)

Opposer's action is barred under the equitable doctrines of laches, acquiescence, and/or estoppel.

THIRD AFFIRMATIVE DEFENSE

(Reservation of Defenses)

Applicant hereby gives notice that it intends to rely on any additional affirmative defenses as may become available or apparent during discovery, and thus reserves the right to amend its answer to assert such additional defenses.

Respectfully submitted,

CARROT CREATIVE, LLC

By its attorneys,

Dated: October 27, 2015

/Lawrence R. Robins/

Lawrence R. Robins

lrobins@sandw.com

Kimberly B. Herman

kherman@sandw.com

SULLIVAN & WORCESTER LLP

One Post Office Square

Boston, MA 02109

Tel: (617) 338-2800

Fax: (617) 338-2880

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served upon the Opposer at its address of record by e-mail on October 27, 2015.

Susan Upton Douglass <sdouglass@frosszelnick.com>
Attorney for Opposer
Dentsu Aegis Network France

/Lawrence R. Robins/
Lawrence R. Robins
Sullivan & Worcester LLP
One Post Office Square
Boston, Massachusetts 02109