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Filing date: **11/25/2015**

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

Proceeding	91223895
Party	Defendant Minnows & Guppies LLC
Correspondence Address	RACHELLE A. DUBOW, Morgan Lewis & Bockius LLP 1 Federal St Boston, MA 02110-2012  rachelle.dubow@morganlewis.com, jason.pinney@morganlewis.com
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Date	11/25/2015
Attachments	Answer.pdf(25786 bytes )

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

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	)	
In re Application Serial No. 86540148	)	
Published in the Official Gazette of July 21, 2015	)	
	)	
Mark: MINNOWS & GUPPIES	)	
	)	
Application Filing Date: February 19, 2015	)	
	)	
Debbie Rohn, Dean Rohn,	)	
	)	
Opposer,	)	
	)	Opposition No. 91223895
v.	)	
	)	
Minnows & Guppies LLC	)	
	)	
Applicant.	)	
	)	
	)	

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**APPLICATION TO NOTICE OF OPPOSITION**

Applicant, Minnows & Guppies LLC (“Applicant”), by and through its attorneys, pursuant to 37 C.F.R. § 2.126, answers and asserts affirmative defenses to the Notice of Opposition (the “Opposition”) issued by the Opposers Debbie Rohn and Dean Rohn (“Opposers”) on September 18, 2015, as follows:

1. Applicant admits the allegations contained in paragraph 1 of the Opposition.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 2 of the Opposition, and therefore denies the same.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 3 of the Opposition, and therefore denies the same.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 4 of the Opposition, and therefore denies the same.
5. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 5 of the Opposition, and therefore denies the same.
6. Applicant denies the allegations contained in paragraph 6 of the Opposition.
7. Applicant denies the allegations contained in paragraph 7 of the Opposition. Responding further, Applicant states that it does not offer apparel labeled with the MINNOWS & GUPPIES mark. Instead, MINNOWS & GUPPIES is the name of a retail store located in Chatham, Massachusetts that sells apparel.
8. Applicant denies the allegations contained in paragraph 8 of the Opposition.
9. Applicant denies the allegations contained in paragraph 9 of the Opposition. Responding further, Applicant repeats that it does not offer apparel labeled with the MINNOWS & GUPPIES mark. Instead, MINNOWS & GUPPIES is the name of a retail store located in Chatham, Massachusetts that sells apparel.
10. Applicant denies the allegations contained in paragraph 10 of the Opposition.

#### **AFFIRMATIVE DEFENSES**

1. The Notice of Opposition fails to state any claim upon which relief can be granted.
2. Opposers will not be damaged by the issuance to the Applicant of the registration sought.

3. Registration of the Applicant's mark is not likely to cause confusion, mistake, or deception with respect to Opposers' mark.

WHEREFORE, Applicant prays that the Opposition be dismissed in its entirety, that registration of Application Serial No. 85/074,797 be granted to Applicant.

Please recognize as attorneys for Applicant in this proceeding Joshua M. Dalton, Rachelle A. Dubow, Jason S. Pinney (members of the Bar of the Commonwealth of Massachusetts) and the firm of Morgan Lewis & Bockius LLP, One Federal Street, Boston, Massachusetts 02110. All correspondence in this matter should be addressed to these attorneys.

Respectfully submitted,

/Joshua M. Dalton/  
Joshua M. Dalton  
Rachelle A. Dubow  
Jason S. Pinney  
MORGAN LEWIS & BOCKIUS LLP  
One Federal Street  
Boston, MA 02110  
(617) 951-8000

Dated: November 25, 2015

**CERTIFICATE OF SERVICE**

This is to certify that one copy of the Answer to Notice of Opposition, was mailed on November 25, 2015 by first-class mail, postage prepaid to Opposers' counsel in an envelope addressed as follows:

Jeffrey A. Sadowski  
Howard & Howard  
450 West Fourth Street  
Royal Oak, MI 48067-2557

A copy of the Answer to Notice of Opposition was also email to Opposers' counsel at the following email address:

jsadowski@howardandhoward.com

Dated: November 25, 2015

/Jennifer A. Kagan/  
Jennifer A. Kagan