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

Proceeding	91223896
Party	Defendant AZ PL
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Date	10/20/2015
Attachments	159.171.Answer.pdf(103145 bytes )

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

NAUTICA APPAREL, INC.,

Opposer,

v.

AZ PL,

Applicant.

Opposition No. 91223896

Application Serial No.: 86480565

Mark: NAUTICCLEAN & DESIGN

Publication Date: August 4, 2015

**ANSWER TO NOTICE OF OPPOSITION**

AZ PL (hereinafter referred to as "Applicant"), for the Answer to the Notice of Opposition filed by NAUTICA APPAREL, INC. (hereinafter referred to as "Opposer"), against the application for registration of the trademark "NAUTICCLEAN & DESIGN" in International Classes 002, 003, and 004, U.S. Application Serial No. 86480565, filed on December 15, 2014, and published in the Official Gazette on August 4, 2015, pleads and avers as follows:

1. Answering Paragraph 1 of the Notice of Opposition, Applicant denies the allegations contained therein.

2. Answering Paragraph 2 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

3. Answering Paragraph 3 of the Notice of Opposition, Applicant denies that its name is "AL PL", and states that its correct name is "AZ PL". Applicant admits the remaining allegations contained in Paragraph 3.

4. Answering Paragraph 4 of the Notice of Opposition, Applicant denies that it filed the present application on December 14, 2015, and states that its correct filing date is December 15, 2015. Applicant admits the remaining allegations contained in Paragraph 4.

5. Answering Paragraph 5 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

6. Answering Paragraph 6 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

7. Answering Paragraph 7 of the Notice of Opposition, Applicant admits that Opposer is indicated in the U.S. Patent and Trademark Office databases as the owner of record for the intent-to-use application cited therein. As to all other allegations set forth therein, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

8. Answering Paragraph 8 of the Notice of Opposition, Applicant admits that Opposer is indicated in the U.S. Patent and Trademark Office databases as the owner of record for the registrations cited therein. As to all other allegations set forth therein, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

9. Answering Paragraph 9 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

10. Answering Paragraph 10 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

11. Answering Paragraph 11 of the Notice of Opposition, Applicant denies the allegations contained therein.

12. Answering Paragraph 12 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

13. Answering Paragraph 13 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

14. Answering Paragraph 14 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

15. Answering Paragraph 15 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

16. Answering Paragraph 16 of the Notice of Opposition, Applicant denies the allegations contained therein.

17. Answering Paragraph 17 of the Notice of Opposition, Applicant denies the allegations contained therein.

18. Answering Paragraph 18 of the Notice of Opposition, Applicant denies the allegations contained therein.

19. Answering Paragraph 19 of the Notice of Opposition, Applicant denies the allegations contained therein.

20. Answering Paragraph 20 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

21. Answering Paragraph 21 of the Notice of Opposition, Applicant denies the allegations contained therein.

22. Answering Paragraph 22 of the Notice of Opposition, Applicant denies the allegations contained therein.

23. Answering Paragraph 23 of the Notice of Opposition, Applicant denies the allegations contained therein.

24. Answering Paragraph 24 of the Notice of Opposition, Applicant denies the allegations contained therein.

25. Answering Paragraph 25 of the Notice of Opposition, Applicant denies the allegations contained therein.

26. Answering Paragraph 26 of the Notice of Opposition, Applicant denies the allegations contained therein.

27. Answering Paragraph 27 of the Notice of Opposition, Applicant denies the allegations contained therein.

28. Answering Paragraph 28 of the Notice of Opposition, Applicant denies the allegations contained therein.

29. Answering Paragraph 29 of the Notice of Opposition, Applicant denies the allegations contained therein.

30. Answering Paragraph 30 of the Notice of Opposition, Applicant denies the allegations contained therein.

31. Answering Paragraph 31 of the Notice of Opposition, Applicant denies the allegations contained therein.

32. Answering Paragraph 32 of the Notice of Opposition, Applicant denies the allegations contained therein.

33. Answering Paragraph 33 of the Notice of Opposition, Applicant denies the allegations contained therein.

34. Answering Paragraph 34 of the Notice of Opposition, Applicant denies the allegations contained therein.

35. Answering Paragraph 35 of the Notice of Opposition, Applicant denies the allegations contained therein.

36. Answering Paragraph 36 of the Notice of Opposition, Applicant denies the allegations contained therein.

37. Answering Paragraph 37 of the Notice of Opposition, Applicant denies the allegations contained therein.

38. Answering Paragraph 38 of the Notice of Opposition, Applicant denies the allegations contained therein.

39. Answering Paragraph 39 of the Notice of Opposition, Applicant denies the allegations contained therein.

40. Answering Paragraph 40 of the Notice of Opposition, Applicant denies the allegations contained therein.

41. Answering Paragraph 41 of the Notice of Opposition, Applicant denies the allegations contained therein.

Applicant hereby denies any and all other allegations of the Notice of Opposition that have not been affirmatively admitted herein.

#### **AFFIRMATIVE DEFENSES**

1. Applicant affirmatively alleges that Opposer's Notice of Opposition fails to state a claim upon which relief can be granted.

2. Applicant affirmatively alleges that Opposer's Notice of Opposition is barred by the doctrine of laches, acquiescence, and estoppel.

3. Applicant affirmatively alleges that the Opposer is estopped by the arguments and positions taken during the prosecution of the applications which resulted in the trademark registrations cited in Opposer's Notice of Opposition, and cannot now claim exclusive rights in Applicant's mark as detailed in the present application.

WHEREFORE, Applicant contends that this opposition is groundless and baseless in fact; that Opposer has not shown wherein it will be, or likely to be, damaged by the registration of Applicant's trademark; that Applicant's trademark is manifestly distinct from any alleged mark of the Opposer or any designation of the Opposer, and Applicant prays that this opposition will be dismissed with prejudice and that Applicant be granted registration of its trademark.

Respectfully submitted,

DATE: October 20, 2015

By:   
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L. Jeremy Craft  
Andrew W. Chu

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***ATTORNEYS FOR APPLICANT***

**CERTIFICATE OF SERVICE**

I hereby certify that on October 20, 2015 a true and correct copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was sent by mailing same first class and postage prepaid to the following:

Stephen L. Baker, Esq.  
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Raritan, NJ 08869

***ATTORNEY FOR OPPOSER***

  
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L. Jeremy Craft