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

Proceeding	91224345
Party	Defendant La Pietra Thinstone Veneer of Monroe, Inc.c.
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Attachments	ANSWER.pdf(198348 bytes)

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

R. Stone Co., LLC,)	
)	
Opposer,)	Application No.: 86492135
)	Proceeding No.: 91224345
v.)	
)	
La Pietra Thinstone Veneer of Monroe,)	
Inc.,)	
)	
Applicant.)	
)	

ANSWER TO NOTICE OF OPPOSITION

Applicant La Pietra Thinstone Veneer of Monroe, Inc. (“Applicant”) provides the following answer and affirmative defenses to Opposer R. Stone Co., LLC’s (“Opposer”) Notice of Opposition.

THE PARTIES

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of the Opposition, and therefore denies the same.
2. Applicant admits the allegations contained in Paragraph 2 of the Opposition as it pertains to its corporate status and place of business. Applicant denies the remaining allegations of Paragraph 2 of the Opposition.

THE APPLICATION PROCEEDING

3. Applicant admits the allegations contained in Paragraph 3 of the Opposition as it pertains to Applicant pursuing registration and publication. The remaining allegations contain conclusions of law for which no response is required.

THE PRODUCTION AND USE OF THIN STONE VENEER

4. Applicant admits the allegations contained in Paragraph 4 of the Opposition.
5. Applicant admits the allegations contained in Paragraph 5 of the Opposition.
6. Applicant admits the allegations contained in Paragraph 6 of the Opposition.
7. Applicant admits the allegations contained in Paragraph 7 of the Opposition.
8. Applicant admits the allegations contained in Paragraph 8 of the Opposition.
9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 of the Opposition, and therefore denies the same.

THE ESTABLISHMENT OF THE OPPOSER, ITS CREATION OF THE MARK, AND THE DEVELOPMENT OF ITS BUSINESS RELATIONSHIP WITH APPLICANT

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 of the Opposition, and therefore denies the same.
11. Applicant denies the allegations contained in Paragraph 11 of the Opposition.
12. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12 of the Opposition, and therefore denies the same.
13. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13 of the Opposition, and therefore denies the same.
14. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 14 of the Opposition, and therefore denies the same.
15. Applicant denies the allegations contained in Paragraph 15 of the Opposition.
16. Applicant denies the allegations of Paragraph 16 of the Opposition.
17. Applicant denies the allegations of Paragraph 17 of the Opposition.
18. Applicant denies the allegations of Paragraph 18 of the Opposition.

**THE OPPOSER R. STONE'S UNAMBIGUOUS AND
UNCHALLENGED FIRST USE OF THE MARK IN COMMERCE
IN ROUTINE SALES TO THE APPLICANT LA PIETRA ITSELF**

19. Applicant denies the allegations of Paragraph 19 of the Opposition.
20. Applicant denies the allegations of Paragraph 20 of the Opposition.
21. Applicant denies the allegations of Paragraph 21 of the Opposition.
22. Applicant denies the allegations of Paragraph 22 of the Opposition.
23. Applicant denies the allegations of Paragraph 23 of the Opposition.

LA PIETRA'S ATTEMPTS TO HIJACK THE MARK

24. Applicant denies the allegations of Paragraph 24 of the Opposition.

INJURY TO THE OPPOSER

25. Applicant denies the allegations of Paragraph 25 of the Opposition.
26. Applicant denies the allegations of Paragraph 26 of the Opposition.
27. Applicant denies the allegations of Paragraph 27 of the Opposition.

**FIRST GROUND OF OPPOSITION
LIKELIHOOD OF CONFUSION**

28. Applicant repeats and incorporates its answers to Paragraphs 1 through 27 as if fully set forth herein.
29. Applicant denies the allegations of Paragraph 29 of the Opposition.

**SECOND GROUND OF OPPOSITION
APPLICANT NOT THE OWNER OF THE MARK**

30. Applicant repeats and incorporates its answers to Paragraphs 1-29 as if fully set forth herein.
31. Applicant denies the allegations of Paragraph 31 of the Opposition.

THIRD GROUND OF OPPOSITION
FRAUD IN PROSECUTING THE APPLICATION FOR REGISTRATION

32. Applicant repeats and incorporates its answers to Paragraphs 1-31 as if fully set forth herein.
33. Applicant denies the allegations of Paragraph 33 of the Opposition.
34. Applicant denies the allegations of Paragraph 34 of the Opposition.
35. Applicant denies the allegations of Paragraph 35 of the Opposition.
36. Applicant denies the allegations of Paragraph 36 of the Opposition.

AFFIRMATIVE DEFENSES

1. The Opposition fails to state a claim upon which relief can be granted and should therefore be dismissed.
2. Applicant affirmatively alleges Opposer's claims are barred either in whole or in part by the doctrines of waiver, release, laches, and estoppel.
3. Applicant affirmatively alleges Opposer's claims are barred by the doctrine of unclean hands.
4. Applicant affirmatively alleges Opposer's claims are barred by the doctrine of acquiescence.
5. Applicant affirmatively alleges Opposer's claims are barred either in whole or in part by the doctrine of judicial estoppel.
6. Applicant affirmatively alleges Opposer's claims are barred either in whole or in part by the doctrine of res judicata.
7. Applicant affirmatively alleges Opposer's claims are barred either in whole or in part by the doctrine of collateral estoppel.
8. Applicant affirmatively alleges Opposer's claims are barred by the Statute of Frauds.

9. Applicant affirmatively alleges Opposer's claims are barred by fraud.

PRAYER FOR RELIEF

WHEREFORE, Applicants respectfully pray for this Honorable Court to enter judgment as follows:

1. Dismissal of Opposers' Opposition; and
2. For such other and further relief as this Honorable Court deems just and proper

Respectfully submitted,

APPLICANT,

By its attorneys,



Date: November 23, 2015

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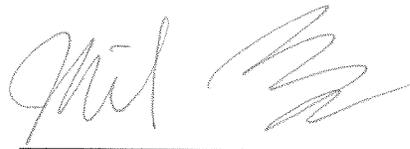
CERTIFICATE SERVICE

The undersigned hereby certifies that a copy of the foregoing Answer To Opposer's Opposition has been sent and served by First Class U.S. Mail, postage prepaid this 23rd day of November, 2015, to the following counsel of record:

Adam S. Mocchiolo, Esq.
Pullman & Comley, LLC
850 Main Street
P.O. Box 7006
Bridgeport, CT 06601

Date: November 23, 2015

By

A handwritten signature in cursive script, appearing to read "Michael Beers", written over a horizontal line.

Michael Beers, Esq.