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

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| Proceeding | 91224524 |
| Party | Defendant SingTech, Inc. |
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| Signature | /trw/ |
| Date | 12/01/2015 |
| Attachments | TTAB Answer Notice of Opposition -KICK.pdf(19645 bytes) |

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

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|------------------------------------|---|--------------------------|
| In the matter of Application |) | |
| Serial No. 86588862 |) | |
| |) | |
| Mark KICK & Design |) | Opposition No.: 91224524 |
| |) | |
| Published in the Official Gazette |) | |
| (Trademarks) |) | |
| |) | |
| Stillwater Designs and Audio, Inc. |) | |
| Opposer, |) | |
| v. |) | |
| |) | |
| Singtech, Inc., |) | |
| Applicant. |) | |
| |) | |

ANSWER TO NOTICE OF OPPOSITION

E-FILED
Trademark Trial and Appeal Board
P. O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

Applicant Singtech, Inc., ("Applicant") of the trademark application identified above, by and through its attorney of record, answers each allegation in the notice of opposition ("Notice") filed by Stillwater Designs and Audio, Inc.. ("Opposer") as follows:

1. Applicant is without sufficient information to admit or deny the allegations contained in paragraph one of the Notice. Therefore, on that basis, the allegations are denied.

2. Applicant is without sufficient information to admit or deny the allegations contained in paragraph two of the Notice. Therefore, on that basis, the allegations are denied.

3. Applicant's search of the United States Patent and Trademark ("USPTO") publicly available records in the Trademark Electronic Search System ("TESS") reveals a live registration with the current status claimed by Opposer. Therefore, on that basis, the allegations in paragraph three are admitted.

4. Applicant's search of the United States Patent and Trademark ("USPTO") publicly available records in the Trademark Electronic Search System ("TESS") reveals a live registration with the current status claimed by Opposer. Therefore, on that basis, the allegations in paragraph four are admitted.

5. Applicant is without sufficient information to admit or deny the allegations contained in paragraph five of the Notice. Therefore, on that basis, the allegations are denied.

6. Applicant is without sufficient information to admit or deny the allegations contained in paragraph six of the Notice. Therefore, on that basis, the allegations are denied.

7. Applicant's search of the United States Patent and Trademark ("USPTO") publicly available records in the Trademark Electronic Search System ("TESS") reveals a live registration with the current status claimed by Opposer. Therefore, on that basis, the allegations in paragraph seven are admitted.

8. Applicant is without sufficient information to admit or deny the allegations contained in paragraph eight of the Notice. Therefore, on that basis, the allegations are denied.

9. Applicant's search of the United States Patent and Trademark ("USPTO") publicly available records in the Trademark Electronic Search System ("TESS") reveals a live registration with the current status claimed by Opposer. Therefore, on that basis, the allegations in paragraph nine are admitted..

10. Applicant is without sufficient information to admit or deny the allegations contained in paragraph ten of the Notice. Therefore, on that basis, the allegations are denied.

11. Applicant is without sufficient information to admit or deny the allegations contained in paragraph eleven of the Notice. Therefore, on that basis, the allegations are denied..

12. The allegations in paragraph twelve are denied.

13. The allegations in paragraph thirteen are admitted.

14. The allegations in paragraph fourteen are admitted.

15. The allegations in paragraph fifteen are admitted.

16. The allegations in paragraph sixteen are admitted.

17. The allegations in paragraph seventeen are denied.

18. The allegations in paragraph eighteen are denied.

19. The allegations in paragraph nineteen are denied.

20. The allegations in paragraph twenty are denied.

21. The allegations in paragraph twenty one are denied.

22. The allegations in paragraph twenty two are denied.

23. The allegations in paragraph twenty three are denied.

24. The allegations in paragraph twenty four are denied.

AFFIRMATIVE DEFENSES

Failure to State Grounds for Opposition

1. Applicant is informed and believes, and thereon alleges, that the facts set forth in the Notice are insufficient to justify denial of its application.

No Priority or Likelihood of Confusion

2. Opposer has not previously used a mark which is likely to be confused with the Applicant's mark, and specifically as an alternative affirmative defense to a claim of seniority, nor is there any likelihood of confusion, mistake or deception because Applicant's mark and the pleaded registered mark of Opposer are not confusingly similar.

Estoppel, Waiver, Acquiescence and Laches

3. Opposer is estopped from asserting any exclusive rights to a trademark for the word KICK used with other terms and Opposer's claims against Applicant are barred under the doctrines of waiver, acquiescence and laches.

No Exclusive Right

4. Opposer does not have any exclusive right to the use of the term KICK, alone or in combination with any other letters, terms or words to form a trademark.

Unclean Hands

5. Opposer has engaged in acts constituting unclean hands in filing its application and in the conduct of this opposition proceeding and should therefore be precluded from asserting any rights against Applicant.

Lack of Distinctiveness

6. Applicant is informed and believes, and thereupon alleges, that there is no likelihood of confusion, mistake or deception because Applicant is informed and believes that Opposer's mark is not distinctive or has not acquired distinctiveness, does not operate as a trademark as used by Opposer, nor do purchasers associate the mark with Opposer alone.

THEREFORE, Applicant requests that this Opposition proceeding be dismissed with prejudice and Applicant's application be allowed to issue to registration. Please charge any additional fees, or credit any overpayment, associated with the Applicant's application or this opposition to deposit account No. 503593. Service is being made on Opposer's counsel as shown in the attached certificate of service.

Dated: December 1, 2015

Respectfully submitted,

By _____/TRW/_____

Tawnya R. Wojciechowski, Esquire
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Attorney for Applicant

PROOF OF SERVICE BY MAIL

I, the undersigned, declare that I am, and was at the time of service of the papers herein referred to, over the age of 18 years and not a party to the within action or proceeding. My business address is TRW Law Group, 19900 MacArthur Boulevard, Suite 1150, Irvine, California 92612-8433, which is located in the county in which the within-mentioned mailing occurred. I am readily familiar with the practice at my place of business for collection and processing of correspondence for mailing with the United States Postal Service. Such correspondence will be deposited with the United States Postal Service on the same day in the ordinary course of business.

On December 1, 2015, I served the following document(s):

ANSWER TO NOTICE OF OPPOSITION

by placing a true copy in a separate envelope for each addressee named below, with the name and address of the persons served shown on the envelope as follows:

Mary M. Lee, Mary M. Lee PC
1300 E 9th Stret, No. 4
Edmond, OK 73034
mail@marymlee.com

Gary Peterson
211 N. Robinson Ave., Suite 450S
2 Leadership Square
Oklahoma City, OK 73102
GP@garypeterson.com

and by sealing the envelope and placing it in the appropriate location at my place of business for collection and mailing with postage fully prepaid in accordance with ordinary business practices.

Executed on December 1, 2015, at Ashland City, Tennessee.

APR
Andreas Reichenbach