

ESTTA Tracking number: **ESTTA711293**

Filing date: **11/30/2015**

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

Proceeding	91224580
Party	Defendant Draion M Burch Do, LLC
Correspondence Address	ANDREA H. EVANS, The Law Firm Of Andrea Hence Evans Llc 14625 Baltimore Ave # 853 Laurel, MD 20707-4902  andrea.evans@evansiplaw.com
Submission	Answer
Filer's Name	Andrea H. Evans, Esq.
Filer's e-mail	andrea.evans@evansiplaw.com
Signature	/Andrea H. Evans, Esq./
Date	11/30/2015
Attachments	DrDrai_OppAnswer-Nov302015.pdf(91188 bytes )

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

Andre Young,	§	
	§	
Opposer,	§	
	§	Opposition No. 91/224,580
v.	§	
	§	
Draion M Burch Do, LLC,	§	
	§	
Applicant.	§	

**ANSWER TO  
ANDRE YOUNG’S NOTICE OF OPPOSITION**

Applicant, Draion M Burch DO, LLC (“Applicant”), by and through its undersigned counsel, hereby files its Answer to Opposer Andre Young’s (“Opposer”) Notice of Opposition, as follows:

1. Applicant lacks knowledge or information sufficient to form a belief about the truth of these allegations; therefore, same are denied.
2. Applicant lacks knowledge or information sufficient to form a belief about the truth of these allegations; therefore, same are denied.
3. Applicant lacks knowledge or information sufficient to form a belief about the truth of these allegations; therefore, same are denied.
4. Applicant admits that Exhibit A represents printouts from the TSDR database of the U.S. Patent and Trademark Office. Applicant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations; therefore, same are denied.
5. Admitted.
6. Admitted.

7. Applicant admits that Opposer claims to own the DR. DRE mark, but is without knowledge as to Opposer's rights and interests in the mark, and therefore denies Opposer's claim. No response is necessary.

8. Denied.

9. Denied.

10. Denied.

11. No response is necessary.

12. Applicant lacks knowledge or information sufficient to form a belief about the truth of these allegations; therefore, same are denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. No response is necessary.

18. Applicant lacks knowledge or information sufficient to form a belief about the truth of these allegations; therefore, same are denied.

19. Denied.

20. Denied.

21. Denied.

#### **AFFIRMATIVE DEFENSES**

22. If and to the extent any mark(s) at issue are confusingly similar, Applicant is the senior user and entitled to priority.

23. Without admitting that Applicant has used Opposer's trademarks in any way, the claims made in the Opposition are barred, in whole or in part, by the doctrines of fair use, informational use, and descriptive use as it pertains to Applicant's family name.

24. The Applicant's mark is not likely to cause confusion since the marks are not similar in appearance, sound or commercial impressions and the goods and services are not related.

Respectfully Submitted,

\_\_\_\_\_/ahe/\_\_\_\_\_  
Andrea H. Evans, Esq.  
14625 Baltimore Avenue , #853  
Laurel, Maryland 20707  
Attorneys for Applicant

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that a copy of the foregoing Answer to Opposer's Notice of Opposition has been served via U.S. First Class mail upon the following counsel of record this 30th day of November, 2015.

James D. Weinberger, Esq.  
Emily Weiss, Esq.  
Fross Zelnick Lehrman & Zissu, P.C.  
866 United Nations Plaza  
New York, New York 10017

\_\_\_\_\_/ahe/\_\_\_\_\_  
Andrea H. Evans, Esq.  
14625 Baltimore Avenue , #853  
Laurel, Maryland 20707  
Attorneys for Applicant