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

Proceeding	91224809
Party	Defendant TravNow LLC
Correspondence Address	W. SCOTT CREASMAN TAYLOR ENGLISH DUMA LLP 1600 PARKWOOD CIR SE STE 400 ATLANTA, GA 30339-2119 trademarks@taylorenghish.com;screasman@
Submission	Answer
Filer's Name	W. Scott Creasman
Filer's e-mail	screasman@taylorenghish.com, shale@taylorenghish.com
Signature	s/W. Scott Creasman/
Date	12/21/2015
Attachments	TravNow Answer Full House Opposition 91224809.pdf(221146 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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Full House Resorts, Inc.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91224809
)	
)	Serial No. 86247255
TravNow LLC,)	
)	
Applicant.)	

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Applicant TravNow LLC (“Applicant”) hereby responds to the Notice of Opposition filed by Full House Resorts, Inc. (“Opposer”) as follows:

1. Admitted.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments asserted in Paragraph 2 of the Notice of Opposition and therefore denies same.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments asserted in Paragraph 3 of the Notice of Opposition and therefore denies same.
4. In response to the averments contained in Paragraph 4 of the Notice of Opposition, Applicant admits that U.S. Reg. No. 2,639,239 is for the word mark PLAYERS ADVANTAGE CLUB. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments relating to the corporate relationship

between the owner of that registration and Opposer and therefore denies same. Applicant denies all remaining averments not specifically admitted.

5. Denied.

6. Denied.

7. In response to the averments contained in Paragraph 7 of the Notice of Opposition, Applicant admits that its application as set forth in Serial No. 86247255 was filed on an intent to use basis.

8. Admitted

9. In response to the averments contained in Paragraph 9 of the Notice of Opposition, Applicant admits that Opposer has used its PLAYERS ADVANTAGE CLUB mark prior to Applicant's use of THE PLAYERS CLUB ADVANTAGE mark as set forth in Serial No. 86247255. Applicant denies that any conflict exists between such uses or that Opposer's referenced use constitutes priority of use. Applicant denies all remaining averments not specifically admitted.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. In response to the averments contained in Paragraph 18 of the Notice of Opposition, Applicant admits that it would obtain certain rights if its application as set forth in U.S. Serial No. 86247255 were to mature into a registration. Applicant denies that such registration would harm Opposer in any manner. Applicant denies all remaining averments not specifically admitted.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Opposer's Notice of Opposition fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the opposition.

SECOND AFFIRMATIVE DEFENSE

Opposer's purported rights in the mark cited extend no further than to the specific mark in which Opposer alleges it owns rights, which is not the same or confusingly similar to Applicant's mark in terms of connotation, appearance, and/or pronunciation.

THIRD AFFIRMATIVE DEFENSE

Applicant's use of its mark will not mistakenly be thought by the public to derive from the same source as Opposer's services, nor will such use be thought by the public to be a use by Opposer or with Opposer's authorization or approval.

FOURTH AFFIRMATIVE DEFENSE

Applicant's mark in its entirety is sufficiently distinctive from Opposer's marks to avoid confusion, deception, or mistake as to the source or sponsorship of Applicant's services.

FIFTH AFFIRMATIVE DEFENSE

Applicant's mark, when used on Applicant's services, is not likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection, or association of Applicant with Opposer, or as to the origin, sponsorship, or approval of Applicant's services by Opposer.

SIXTH AFFIRMATIVE DEFENSE

Applicant reserves the right to assert any additional affirmative defenses as may arise during the course of additional investigation and discovery.

WHEREFORE, Applicant requests that the Notice of Opposition be dismissed with prejudice.

Dated: December 21, 2015

Respectfully submitted,

/W. Scott Creasman/

W. Scott Creasman
TAYLOR ENGLISH DUMA, LLP
1600 Parkwood Circle, Suite 400
Atlanta, Georgia 30339
Phone: 770-434-6868
Fax: 770-434-4819
screasman@taylorenghish.com

Attorneys for Applicant
TravNow LLC

CERTIFICATE OF SERVICE

I hereby certify that the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION has been served on Opposer's counsel by First Class U.S. Mail as follows:

Jordan A. LaVine
Flaster Greenberg P.C.
1600 JFK Boulevard, 2nd Floor
Philadelphia, PA 19103

Dated: December 21, 2015

/W. Scott Creasman/
Attorney for Applicant

CERTIFICATE OF TRANSMITTAL

I hereby certify that the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION is being filed electronically with the TTAB via ESTTA on December 21, 2015.

/W. Scott Creasman/
Attorney for Applicant