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

Proceeding	91225457
Party	Defendant HoneyBook, Inc.
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Date	01/29/2016
Attachments	Honeybook Answer (2016.01.29).pdf(14167 bytes )

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

In the matter of Application:  
Serial Nos.: 86/517,474 & 86/517,478  
Filed: January 28, 2015  
Published: June 23, 2015  
Applicant: Honeybook, Inc.  
Mark: HONEYBOOK

**FACEBOOK, INC.**

Opposer,

v.

**HONEYBOOK, INC.,**

Applicant.

Opposition No. 91225457

**ANSWER AND AFFIRMATIVE DEFENSES OF HONEYBOOK, INC.**

Honeybook, Inc. (“Applicant”), a Delaware corporation located and doing business in San Francisco, California, pursuant to Rule 2.106 of the Patent and Trademark Rules of Practice states the following in Answer to the Notice of Opposition (“Opposition”) of Facebook, Inc. (“Opposer” or “Facebook”).

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph of the Opposition, and therefore denies each and every allegation therein.

2. Applicant admits that Facebook purports to own multiple U.S. registrations for the mark FACEBOOK. Applicant admits that these marks purport to cover goods and services including variations of the categories recited in this paragraph. Otherwise denied.

3. Applicant admits that what appear to be copies of registrations for the FACEBOOK mark are attached to the Opposition Notice as Exhibit A.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegation that Facebook owns common law rights in the FACEBOOK mark and marks that incorporate FACEBOOK in connection with various other goods and services, including as identified in pending U.S. trademark applications. Applicant admits that what appear to be copies of the U.S. Patent and Trademark Office online status pages for at least some of Facebook's pending trademark applications for its FACEBOOK and FACEBOOK-formative marks are attached to the Opposition Notice as Exhibit B. Otherwise denied.

- 5. Denied.
- 6. Admitted.
- 7. Admitted.
- 8. Admitted.

**FIRST GROUND FOR OPPOSITION:  
LIKELIHOOD OF CONFUSION**

9. Applicant incorporates by reference paragraphs 1-8 of its Answer and Affirmative Defenses by reference as if fully stated herein.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

- 11. Denied.
- 12. Denied.
- 13. Denied.
- 14. Denied.
- 15. Denied.
- 16. Denied.
- 17. Admitted.

18. Applicant admits that Facebook “has no control over the nature and quality of the goods and services that are and/or will be offered under the HONEYBOOK Mark.” Otherwise denied.

19. Denied.

**SECOND GROUND FOR OPPOSITION:  
DILUTION OF A FAMOUS MARK**

20. Applicant incorporates by reference paragraphs 1-19 of its Answer and Affirmative Defenses by reference as if fully stated herein.

21. Denied.

22. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

23. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

24. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in this paragraph.

25. Denied.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

**FIRST AFFIRMATIVE DEFENSE:  
NO LIKELIHOOD OF CONFUSION**

30. Applicant asserts that there is no likelihood of confusion as between Opposer's marks for Opposer's goods and services and Applicant's mark for Applicant's goods and services.

**SECOND AFFIRMATIVE DEFENSE:  
ACQUIESCENCE**

31. Applicant asserts that Opposer lacks standing to oppose Applicant's mark because Opposer has acquiesced in the use and registration of other BOOK-formative marks.

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WHEREFORE, Applicant respectfully requests that the Opposition be DENIED with prejudice, and Applicant's mark be allowed to proceed to registration.

Dated: January 29, 2016

Respectfully submitted,

/s/ Eleanor M. Yost

Eleanor M. Yost

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**CERTIFICATE OF TRANSMITTAL AND SERVICE**

I hereby certify that on January 29, 2016, I caused a true and correct copy of the attached Answer and Affirmative Defenses of Honeybook, Inc. to be electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals. I further certify that on the date indicated above, a true and correct copy of this Answer and Affirmative Defenses of Honeybook, Inc. was emailed and mailed via First Class Mail to Opposer's counsel of record as follows:

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