

ESTTA Tracking number: **ESTTA751728**

Filing date: **06/10/2016**

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

Proceeding	91225578
Party	Defendant Todd Sammann
Correspondence Address	KIM A WALKER WILLKIE FARR & GALLAGHER LLP 787 SEVENTH AVE NEW YORK, NY 10019-6099 UNITED STATES ipdept@willkie.com;kwalker@willkie.com
Submission	Answer
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Date	06/10/2016
Attachments	Answer to Opposition - Todd Sammann.pdf(136744 bytes)

4. Upon information and belief, Applicant denies that Opposer has used NARRATIVE CAPITAL as a service mark at a time that predates the priority date of Application Serial No. 86541546. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 4 of the Notice of Opposition, and therefore denies those allegations.

5. Upon information and belief, Applicant denies that Opposer has used NARRATIVE CAPITAL as a trade name at a time that predates the priority date of Application Serial No. 86541546. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 5 of the Notice of Opposition, and therefore denies them.

6. The allegations of paragraph 6 are duplicative of paragraph 2, and thus Applicant admits the allegations in paragraph 6 of the Notice of Opposition .

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 7 of the Notice of Opposition, and therefore denies them.

8. Upon information and belief, Applicant denies that Opposer has used NARRATIVE CAPITAL as a service mark at a time that predates the priority date of Application Serial No. 86541546. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations in paragraph 8 of the Notice of Opposition, and therefore denies those allegations.

9. Upon information and belief, Applicant denies that Opposer has used NARRATIVE CAPITAL as a service mark at a time that predates the priority date of Application Serial No. 86541546. Applicant lacks knowledge or information sufficient to form a

belief as to the truth of the remaining allegations in paragraph 9 of the Notice of Opposition, and therefore denies those allegations.

10. Applicant admits that “Opposer is neither affiliated with nor a sponsor of Applicant, and the services identified by the Opposed Mark do not originate from Opposer,” but denies the remaining allegations of paragraph 10.

11. Applicant denies the allegations in paragraph 11 of the Notice of Opposition.

12. Applicant denies the allegations in paragraph 12 of the Notice of Opposition.

AFFIRMATIVE DEFENSES AND RESERVATIONS

13. Upon information and belief, Opposer’s use of the Mark does not predate the filing date of the Application, and, upon information and belief, such use is not and has not been continuous. Therefore, Opposer does not own trademark rights superior to those of Applicant.

14. Upon information and belief, Opposer’s alleged use of the words NARRATIVE CAPITAL as a service mark is and has been *de minimis* and does not amount to bona fide use of a service mark in commerce.

15. Accordingly, upon information and belief, the Notice of Opposition fails to state any claim upon which relief may be granted.

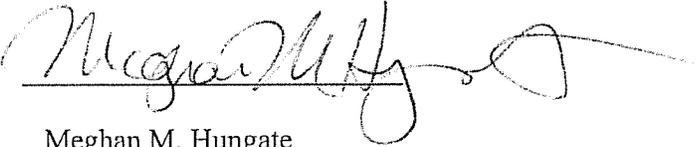
16. To the extent that any allegations in the Notice of Opposition are not admitted or denied, they are hereby denied.

Prayer for Relief

WHEREFORE, Applicant respectfully prays that the Opposition be dismissed, with prejudice, and that the Board grant such other and further relief as it shall deem appropriate.

Respectfully submitted,

Dated: 6/10/16

By: 

Meghan M. Hungate
Eugene L. Chang
Rachel S. Dooley
Attorneys for Applicant
Todd Samman

CERTIFICATE OF TRANSMISSION

CERTIFICATE OF TRANSMISSION I hereby certify that a true and correct copy of the attached APPLICANT'S ANSWER TO NOTICE OF OPPOSITION (Opposition No. 91225578) is being electronically transmitted to the Trademark Trial and Appeal Board on June 10, 2016.

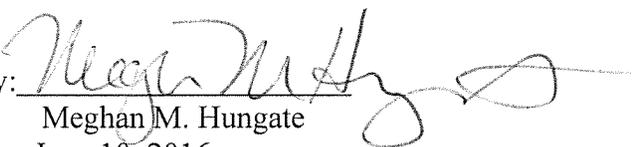
A handwritten signature in cursive script that reads "Meghan M. Hungate". The signature is written in black ink and is positioned above a horizontal line.

Meghan M. Hungate

CERTIFICATE OF SERVICE

I hereby certify that I have this June 10, 2016, mailed by first-class United States mail, postage prepaid, the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION (Opposition No. 91225578) to the following:

Naomi Jane Gray
Harvey Siskind LLP
Four Embarcadero Center, 39th Floor
San Francisco, CA 94111-4115
United States

By: 

Meghan M. Hungate
June 10, 2016