

ESTTA Tracking number: **ESTTA775325**

Filing date: **10/07/2016**

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

Proceeding	91226672
Party	Defendant MomForce, LLC
Correspondence Address	AUTUMN WITT BOYD Law Office Of Autumn Witt Boyd PO Box 4932 Chattanooga, TN 37405-0932 awb@awbfirm.com
Submission	Answer
Filer's Name	Autumn Witt Boyd
Filer's e-mail	awb@awbfirm.com
Signature	/Autumn Witt Boyd/
Date	10/07/2016
Attachments	MomSource answer to Crowsource opposition.pdf(80495 bytes)

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

CROMSOURCE S.r.L., <i>Opposer</i> v. MOMFORCE, LLC d/b/a MomSource Network, <i>Applicant.</i>	Opposition No.: 91226672 Serial No.: 86/635,637 Mark: MOMSOURCE NETWORK (Word mark) Published: November 3, 2015
--	---

**ANSWER TO NOTICE OF OPPOSITION
AND AFFIRMATIVE DEFENSES**

MomForce, LLC d/b/a MomSource Network (“Applicant”) hereby answers CromSource S.r.L.’s (“Opposer”) Notice of Opposition, by and through its attorney, and asserts its affirmative defenses, as follows:

1. Applicant admits the allegations of paragraph 1.
2. Applicant admits the allegations of paragraph 2.
3. Applicant admits the allegations of paragraph 3.
4. Applicant does not have sufficient knowledge or information to form a belief as to the allegations and accordingly denies the remaining allegations in paragraph 4.
5. Applicant does not have sufficient knowledge or information to form a belief as to these allegations and accordingly denies the allegations in paragraph 5.
6. Applicant does not have sufficient knowledge or information to form a belief as to these allegations and accordingly denies the allegations in paragraph 6.
7. Applicant does not have sufficient knowledge or information to form a belief as to these allegations and accordingly denies the allegations in paragraph 7.

8. Applicant admits only that its mark includes the word “MOMSOURCE” and denies the remaining allegations in paragraph 8.

9. Applicant admits only that it added the following disclaimer to its application: “No claim is made to the exclusive right to use ‘NETWORK’ apart from the mark as shown” via an Examiner’s Amendment mailed on September 3, 2015, and denies the remaining allegations in paragraph 9.

10. Applicant does not have sufficient knowledge or information to form a belief as to these allegations and accordingly denies the allegations in paragraph 10.

11. Applicant denies the allegations of paragraph 11.

12. Applicant denies the allegations of paragraph 12.

13. Applicant denies the allegations of paragraph 13.

14. Applicant denies the allegations of paragraph 14.

AFFIRMATIVE DEFENSES

15. Opposer fails to state a claim upon which relief can be granted.

16. As a result of Applicant’s continuous use of the MOMSOURCE NETWORK mark (“the Mark”) since the time of Applicant’s adoption thereof, the Mark has developed significant goodwill among the consuming public and consumer acceptance of the services offered by Applicant in conjunction with the Mark. Such goodwill and widespread usage has caused the Mark to acquire distinctiveness with respect to Applicant, and caused the Mark to become a valuable asset of Applicant.

17. There is no likelihood of confusion, mistake or deception because, *inter alia*, the Mark and the alleged trademark of Opposer (“the CROMSOURCE Mark”) are not confusingly similar.

18. There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant’s

services are not identical to Opposer's services, and are not the type of goods that may emanate from a single source.

19. There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's services are sold through different channels of trade than Opposer's services.

20. There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's services are sold to different classes of customers than Opposer's services, and consumers of Applicant's and Opposer's services are careful, sophisticated customers.

21. Opposer's claims are barred by the doctrines of laches, acquiescence and estoppel.

WHEREFORE, Applicant respectfully requests that the registration sought for its MOMSOURCE NETWORK mark be issued and that Opposer's Opposition be dismissed.

Respectfully submitted on October 7, 2016.

MomForce, LLC d/b/a MomSource
Network, by its attorney,

/s/ Autumn Witt Boyd
Autumn Witt Boyd
TN Bar No. 023972
Law Office of Autumn Witt Boyd
P.O. Box 4932
Chattanooga, TN 37405
Tel. 423-756-6013
Fax 423-752-1469
awb@awbfirm.com

CERTIFICATE OF SERVICE

I hereby certify that on October 7, 2016, a copy of the foregoing Answer to Notice of Opposition and Affirmative Defenses was served upon counsel for Opposer, by United States Mail postage pre-paid, and properly addressed as follows:

ATTN: Susan Paik
James J. Bitetto
Tutunjian & Bitetto, P.C.
425 Broadhollow Road, Suite 302
Melville, NY 11747

/s/ Autumn Witt Boyd
Autumn Witt Boyd