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

Proceeding	91226727
Party	Defendant Jonathan Hursh
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Date	04/15/2016
Attachments	Answer to Notice of Opposition.pdf(188182 bytes)

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

Utopia Management, Inc., Plaintiff, v. Jonathan Hursh, Defendant.	Opposition No. 91226727
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ANSWER TO PLAINTIFF'S NOTICE OF OPPOSITION

Defendant, Jonathan Hursh ("Hursh"), is the owner of U.S. Trademark Application Serial No. 86711972 for UTOPIA covering services in class 42 described as "Design, development, and consulting services in the fields city and slums design, urbanization, architecture, and urban planning for humanitarian purposes" ("Defendant's UTOPIA Mark"). Defendant's UTOPIA Mark was published in the Official Gazette on or about February 16, 2016. On or about March 7, 2016, Plaintiff, Utopia Management, Inc. ("Plaintiff"), filed a Notice of Opposition (the "Notice of Opposition") against Defendant's UTOPIA Mark on the basis of an alleged likelihood of confusion with Plaintiff's Utopia Marks as set forth and defined in the Notice of Opposition, as well as on the basis of alleged dilution and diapragement.

Defendant's deadline to file an Answer to the Notice of Opposition is April 16, 2016. Defendant answers the allegations in the Notice of Opposition as follows. Paragraph numbers in this document correspond to the paragraph numbers in the Notice of Opposition.

1. Defendant admits the allegations contained in Paragraph 1.

2. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph 2, and on that basis denies each and every allegation thereof.
3. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph 3, and on that basis denies each and every allegation thereof.
4. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph 4, and on that basis denies each and every allegation thereof.
5. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph 5, and on that basis denies each and every allegation thereof.
6. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph 6, and on that basis denies each and every allegation thereof.
7. Plaintiff incorporates into Paragraph 7 the allegations set forth in Paragraphs 1 through 6, and Defendant once again admits the allegations contained in Paragraph 1, but because Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraphs 2 through 6, inclusive, on that basis denies each and every allegation thereof in each of those paragraphs.
8. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph 8, and on that basis Defendant denies each and every allegation thereof.
9. Defendant denies each and every allegation contained in Paragraph 9.

10. Defendant denies each and every allegation contained in Paragraph 10.
11. Defendant denies each and every allegation contained in Paragraph 11.
12. Plaintiff incorporates into Paragraph 12 the allegations set forth in Paragraphs 1 through 11, and Defendant once again admits the allegations contained in Paragraph 1, but because Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraphs 2 through 8, inclusive, on that basis denies each and every allegation thereof in each of those paragraphs, and Defendant once again denies each and every allegation contained in Paragraphs 9, 10 and 11.
13. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph 8, and on that basis Defendant denies each and every allegation thereof.
14. Defendant denies each and every allegation contained in Paragraph 14.
15. Defendant denies each and every allegation contained in Paragraph 15.
16. Defendant denies each and every allegation contained in Paragraph 16.
17. Defendant denies each and every allegation contained in Paragraph 17.
18. Plaintiff incorporates into Paragraph 18 the allegations set forth in Paragraphs 1 through 17, and Defendant once again admits the allegations contained in Paragraph 1, but because Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraphs 2 through 8, inclusive, and in Paragraph 13, on that basis denies each and every allegation thereof in each of those paragraphs, and Defendant once again denies each and every allegation contained in Paragraphs 9, 10, 11, 14, 15, 16, and 17.
19. Defendant denies each and every allegation contained in Paragraph 19.

20. Defendant denies each and every allegation contained in Paragraph 20.
21. Defendant is without sufficient knowledge or information upon which to form a belief as to the truth of the allegations contained in Paragraph 21, and on that basis Defendant denies each and every allegation thereof.
22. Defendant prays that the Notice of Opposition be dismissed with prejudice, and denies each and every allegation in Paragraph 22 to the extent any have been made.

AFFIRMATIVE DEFENSES

First Affirmative Defense

Plaintiff fails to state a claim upon which relief may be granted.

Second Affirmative Defense

Plaintiff's claims are barred by the doctrine of estoppel.

Third Affirmative Defense

Plaintiff's claims are barred by the doctrine of unclean hands.

Fourth Affirmative Defense

Plaintiff's mark is weak.

Fifth Affirmative Defense

Defendant further affirmatively alleges that there is no likelihood of confusion, mistake or deception because Defendant's services and Plaintiff's services are unrelated and are marketed in different channels of trade to different classes of purchasers.

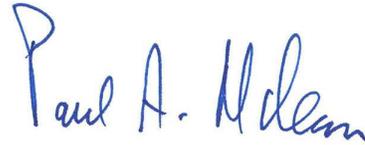
Sixth Affirmative Defense

Plaintiff's Utopia Marks are not famous and are not subject to broad protection.

WHEREFORE, Defendant prays that Opposition No. 91226727 be dismissed with prejudice.

Respectfully submitted,

GREENBERG TRAURIG LLP



By: _____

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CERTIFICATE OF SERVICE

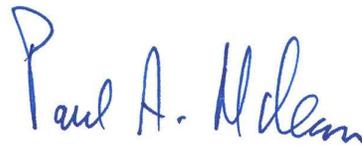
I do hereby certify that the foregoing ANSWER TO PLAINTIFF'S NOTICE OF OPPOSITION was served on Plaintiff by First Class U.S. Mail at the following address of its attorney of record:

ROB G. LEACH
CHARMASSON, BUCHACA & LEACH, LLP
2635 CAMINO DEL RIO SOUTH
SUITE 102
SAN DIEGO, CALIFORNIA UNITED STATES 92108

With a courtesy copy by electronic mail to Plaintiff's attorney of record at:

rob@charmason.com

this 15th day of April, 2016.



By: _____
Paul A. McLean