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Filing date: **03/17/2016**

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

Proceeding	91226802
Party	Defendant KMA Concepts Limited
Correspondence Address	ERIC A. LAMORTE Lamorte & Associates P C PO Box 434 Yardley, PA 19067-8434 malamorte@verizon.net;mail@uspatlaw.com
Submission	Answer
Filer's Name	Eric LaMorte
Filer's e-mail	mail@uspatlaw.com
Signature	/Eric LaMorte/
Date	03/17/2016
Attachments	TrademarkOppositionAnswerDino.pdf(29472 bytes)

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

In the matter of application No.: 86/735,691
Filed: August 24, 2015
Mark: **Dino Hunterz**

Sinclair Finance Company	:	
(Opposer)	:	
	:	
v.	:	Opposition No. 91/226,802
	:	
	:	
KMA Concepts Limited	:	
(Applicant)	:	

Trademark Trial And Appeal Board
U.S. Patent And Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

APPLICANT'S ANSWER TO
NOTICE OF OPPOSITION

In response to the Notice Of Opposition issued by the Board on March 09, 2016, KMA Concepts Limited, the applicant of the above-identified mark, herein provides the following Answer to the Opposer.

1. Applicant admits the facts stated in Paragraph 1 of the Notice Of Opposition.
2. Applicant denies the allegations set forth in Paragraph 2 of the Notice of Opposition. The application filed by the Applicant states that the Applicant has first use in interstate commerce at least as early as June 30, 2015.
3. Applicant lacks the knowledge to either admit or deny the facts presented in Paragraph 3 of the Notice Of Opposition.

4. Applicant denies the allegations made in Paragraph 4 of the Notice of Opposition.
5. Applicant denies the allegations made in Paragraph 5 of the Notice of Opposition.
6. Applicant lacks the knowledge to either admit or deny the facts presented in Paragraph 6 of the Notice Of Opposition.
7. Applicant lacks the knowledge to either admit or deny the facts presented in Paragraph 7 of the Notice Of Opposition.
8. Applicant lacks the knowledge to either admit or deny the facts presented in Paragraph 8 of the Notice Of Opposition.
9. Applicant lacks the knowledge to either admit or deny the facts presented in Paragraph 9 of the Notice Of Opposition.
10. Applicant denies the allegations made in Paragraph 10 of the Notice of Opposition.
11. Applicant lacks the knowledge to either admit or deny the facts presented in Paragraph 11 of the Notice Of Opposition.
12. Applicant lacks the knowledge to either admit or deny the facts presented in Paragraph 12 of the Notice Of Opposition.
13. Applicant lacks the knowledge to either admit or deny the facts presented in Paragraph 13 of the Notice Of Opposition.
14. Applicant lacks the knowledge to either admit or deny the facts presented in Paragraph 14 of the Notice Of Opposition.

15. Applicant lacks the knowledge to either admit or deny the facts presented in Paragraph 15 of the Notice Of Opposition.
16. Applicant lacks the knowledge to either admit or deny the facts presented in Paragraph 16 of the Notice Of Opposition.
17. Applicant lacks the knowledge to either admit or deny the facts presented in Paragraph 17 of the Notice Of Opposition.
18. Applicant lacks the knowledge to either admit or deny the facts presented in Paragraph 18 of the Notice Of Opposition.
19. Applicant denies the allegations made in Paragraph 19 of the Notice of Opposition.
20. Applicant denies the allegations made in Paragraph 20 of the Notice of Opposition.
21. Applicant lacks the knowledge to either admit or deny the facts presented in Paragraph 21 of the Notice Of Opposition.
22. Applicant lacks the knowledge to either admit or deny the facts presented in Paragraph 22 of the Notice Of Opposition.
23. Applicant lacks the knowledge to either admit or deny the facts presented in Paragraph 23 of the Notice Of Opposition.
24. Applicant denies the allegations made in Paragraph 20 of the Notice of Opposition.

25. Applicant denies the allegations made in Paragraph 25 of the Notice of Opposition.

26. Applicant denies the allegations made in Paragraph 26 of the Notice of Opposition.

27. Applicant denies the allegations made in Paragraph 27 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

In further answer to the Notice Of Opposition, Applicant asserts that:

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

The Applicant's rights to the mark in question are superior to any right claimed by the Opposer in the class of goods presented. As such, the Opposer lacks the legal standing required to maintain an opposition proceeding.

THIRD AFFIRMATIVE DEFENSE

The term "Dino" is highly diluted as a trademark in the goods of toys. The Opposer's purported rights extend no further than to the specific marks which the Opposer alleges it owns, none of which are the same or confusingly similar to the Applicant's mark in terms of connotation, appearance and/or pronunciation.

FOURTH AFFIRMATIVE DEFENSE

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

FIFTH AFFIRMATIVE DEFENSE

Applicant's mark, when used on Applicant's goods, 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 goods by Opposer.

RELIEF REQUESTED

Wherefore, Applicant respectfully requests that this opposition proceeding be dismissed with prejudice.

Respectfully Submitted,
/Eric LaMorte/
Eric LaMorte

LaMorte & Associates P.C.
P.O. Box 434
Yardley, PA 19067
215 321-6772
mail@uspatlaw.com
Attorney For Applicant

CERTIFICATE OF SERVICE

I hereby certify that the foregoing document has been served via first class mail, postage prepaid, to John C. Stringham, Workman Nydegger, 60 East South Temple, Suite 1000, Salt Lake City, UT 84111 this 17th day of March 2016

/Eric LaMorte/
Eric LaMorte

LaMorte & Associates P.C.
P.O. Box 434
Yardley, PA 19067
215 321-6772
mail@uspatlaw.com
Attorney For Applicant