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

Proceeding	91227831
Party	Defendant Tamba Hali
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Submission	Answer
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Signature	/David V. Clark/
Date	06/16/2016
Attachments	2016-06-16 Answer to Ntc of Opp_rvsd.pdf(25022 bytes)

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

In the Matter of U.S. Application Serial No. 86/725,540

For: T Stylized

Filed: August 14, 2015

Date of Publication: January 12, 2016

TENSON B.V.)	
)	
Opposer,)	
)	
v.)	Opposition No. 91227831
)	
TAMBA HALI)	
)	
Applicant.)	

ANSWER TO NOTICE OF OPPOSITION

Applicant, Tamba Hali (“**Applicant**”), in his Answer to the Notice of Opposition filed by Tenson B.V. (“**Opposer**”) against Application Serial No. 86/725,540 on May 11, 2016, pleads and avers as follows.

Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations set forth in the prefatory paragraph preceding Paragraph 1 of the Notice of Opposition, and therefore, denies the same.

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 is without knowledge or information sufficient to form a belief as to the truth of the allegations set out in Paragraph 4, and therefore, denies the same.
5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set out in Paragraph 5, and therefore, denies the same.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set out in Paragraph 6, and therefore, denies the same.

7. Applicant admits that it has no license, consent or permission from Opposer to use or register the Opposed Mark, but denies that any such license, consent or permission from Opposer is necessary.

8. Applicant denies the allegations of paragraph 8.

9. Applicant denies the allegations of paragraph 9.

Applicant denies Opposer's prayer that the Opposition should be sustained and that registration to Applicant be refused. Except as expressly admitted herein, Applicant denies the allegations set forth in the Notice of Opposition.

AFFIRMATIVE DEFENSES

1. The Notice of Opposition fails to state a claim upon which relief can be granted.

2. Opposer is not entitled to relief because there is no likelihood of confusion, in that Applicant's and Opposer's marks are not similar in appearance, sound, meaning and overall commercial impression.

3. Opposer is not entitled to relief because there is no likelihood of confusion, in that the goods offered by Applicant and Opposer are not related .

4. Opposer is not entitled to relief because there is no likelihood of confusion, in that the Applicant's and Opposer's unrelated goods are offered through different channels of trade.

5. Opposer is not entitled to relief because there is no likelihood of confusion, in that Applicant's and Opposer's unrelated goods are targeted to different types of consumers.

6. Opposer is not entitled to relief because there is no likelihood of confusion, as there are many marks comprised of a stylized T. Opposer is only one of many participants in the

marketplace who has chosen a mark with a stylized T to identify its goods or services. Moreover, there are numerous federal trademark registrations for marks comprised of a stylized T design, including several hundred such registrations in International Class 025. Opposer's weak mark is entitled to a narrow scope of protection.

7. Opposer is not entitled to relief because Applicant's dissimilar mark used with goods unrelated to those of Opposer does not falsely suggest a connection with Opposer within the meaning of 15 U.S.C. § 1052(a).

8. Opposer is not entitled to relief because, based on information and belief, Opposer has not sold its goods bearing the alleged "updated T Stylized mark" in United States commerce.

9. Opposer is not entitled to relief because, based on information and belief, any alleged use in United States commerce that Opposer could demonstrate has occurred in only limited and remote geographic locations such that Applicant would have constructive use priority in all other geographic locations in the United States.

10. Opposer is not entitled to relief based upon the doctrine of laches.

11. Opposer is not entitled to relief based upon the doctrine of estoppel.

12. Opposer is not entitled to relief based upon the doctrine of acquiescence.

13. Applicant presently has insufficient knowledge or information upon which to form a belief as to whether it may have additional affirmative defenses available. Applicant reserves the right to assert additional affirmative defenses in the event discovery or further analysis indicates that additional unknown or unstated affirmative defenses would be available.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed, that Applicant be discharged with its costs incurred herein and for such other and further relief as the Board deems appropriate.

Date: June 16, 2016

Respectfully submitted,

By: /David V. Clark/

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ATTORNEYS FOR APPLICANT

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the attached APPLICANT'S ANSWER was filed electronically with the Trademark Trial and Appeal Board on June 16, 2016 using the ESTTA system.

By: /David V. Clark/

CERTIFICATE OF SERVICE

I hereby certify that a copy of the attached APPLICANT'S ANSWER was served by First Class U.S. Mail at the following address on June 16, 2016, such being the Applicant's correspondence address found in the USPTO's TSDR system as of this date:

Mary Catherine Merz
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By: /David V. Clark/