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

Proceeding	91228587
Party	Defendant Grip The Mat, LLC
Correspondence Address	GRIP THE MAT, LLC Grip The Mat Llc 4947 GREENCROFT RD. SARASOTA, FL 34235 christy@gripthemat.com;ashley@gripthemat.com
Submission	Answer
Filer's Name	Christine Skarulis
Filer's e-mail	christy@gripthemat.com
Signature	/Christine Skarulis/
Date	08/01/2016
Attachments	Grip the Mat Answer.pdf(29941 bytes)

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

In the Matter of Application Ser. No. 86/729,567
Mark: SOUL & SPIRITS

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SOULCYCLE INC.,	:	
	:	
Opposer,	:	
	:	
vs.	:	Opposition No.
	:	
GRIP THE MAT, LLC,,	:	
	:	
Grip the Mat.	:	
	:	
-----X		

APPLICANT’S ANSWER TO NOTICE OF OPOSITION

Applicant, Grip the Mat, LLC (“Grip the Mat”), a Florida limited liability company having a business address of 4947 Greencroft Road, Sarasota, Florida 34235, answers the Notice of Opposition filed by SOULCYCLE INC. regarding the subject mark of Application Ser. No. 86/729,567, “SOUL & SPIRITS”, as follows:

1. Grip the Mat lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 1, and therefore denies the same.

2. Grip the Mat lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in the first sentence of Paragraph 2, and therefore denies the same. Grip the Mat admits that SOULCYCLE INC. lists items for sale on the website provided in the second sentence of Paragraph 2.

3. Grip the Mat lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 3, and therefore denies the same.

4. Grip the Mat lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 4, and therefore denies the same.

5. Grip the Mat lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 5, and therefore denies the same.

6. Grip the Mat lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 6, and therefore denies the same.

7. Grip the Mat lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 7, and therefore denies the same.

8. Grip the Mat lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 8, and therefore denies the same.

9. Grip the Mat lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 9, and therefore denies the same.

10. Grip the Mat admits the existence of the trademark proceedings referenced in Paragraph 10, but Grip the Mat lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 10, and therefore denies the same.

11. Grip the Mat admits the existence of the trademark proceedings referenced in Paragraph 11, but Grip the Mat lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 11, and therefore denies the same.

12. Grip the Mat lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 12, and therefore denies the same.

13. Grip the Mat lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 13, and therefore denies the same.

14. Grip the Mat lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 14, and therefore denies the same.

15. Grip the Mat lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 15, and therefore denies the same.

16. Grip the Mat lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 16, and therefore denies the same.

17. Grip the Mat admits the allegation in Paragraph 17.

18. Grip the Mat denies all of the allegations in Paragraph 18.

19. Grip the Mat denies all of the allegations in Paragraph 19.

20. Grip the Mat denies all of the allegations in Paragraph 20.

21. Grip the Mat denies all of the allegations in Paragraph 21.

22. Grip the Mat affirmatively alleges that as a result of its continuous usage of its mark "SOUL & SPIRITS" since adoption, this mark is a valuable asset of Grip the Mat and carries considerable goodwill and consumer acceptance of its services marketed under the mark. This goodwill and widespread usage has made the mark distinctive to the Grip the Mat.

23. Grip the Mat affirmatively alleges that Grip the Mat's mark cannot be confused with Opposer's mark in proceeding Ser. No. 86/081,105 ("SOUL") because Opposer's attempt to register that mark has been denied by the United State Patent and Trademark Office.

24. Grip the Mat affirmatively alleges that Grip the Mat's mark cannot be confused with Opposer's mark in proceeding Ser. No. 86/328,007 ("S<bicycle wheel>UL") because Opposer's mark and Grip the Mat's mark are obviously dissimilar. Opponents mark is a fictitious conglomeration of letters and pictures designed to appear as a "word", while Grip the Mats mark is a phrase readily capable of comprehension according its ordinary meanings.

25. Grip the Mat affirmatively alleges that Grip the Mat's mark cannot be confused with Opposer's mark in proceeding Ser. No. 86/224,417 ("FIND YOUR SOUL") because Opposer's mark and Grip the Mat's mark are obviously dissimilar. Opposer's mark includes a phrase whose ordinary meaning cannot be confused with the ordinary meaning of Grip the Mat's mark ("SOUL & SPIRITS").

26. Grip the Mat affirmatively alleges that Grip the Mat's mark cannot be confused with Opposer's mark in proceedings Ser. No. 86/723,586 and Ser. No. 86/723,517 ("ATHLETE LEGEND WARRIOR RENEGADE ROCKSTAR SOULCYCLE" and a bold-texted version of the same) because Opposer's mark and Grip the Mat's mark are obviously dissimilar. Opposer's mark includes a phrase whose ordinary meaning cannot be confused with the ordinary meaning of Grip the Mat's mark ("SOUL & SPIRITS").

27. Grip the Mat affirmatively alleges that there is no likelihood of confusion, mistake, or deception between Grip the Mat's mark and the remaining marks listed by Opposer in proceedings Ser. No. 77/001,399; Ser. No. 85/980,326; Ser. No. 86/203,100; Ser. No. 85/748,932; Ser. No. 85/748,957; Ser. No. 85/748,947; Ser. No. 87/013,297; Ser. No. 86/809,053; Ser. No. 86/809/037; and Ser. No. 86/948,844 because Grip the Mat's mark and the remaining marks of Opposer are not confusingly similar. Opposer's marks are fictitious portmanteau phrases. Any similarity between Grip the Mat's mark and the marks listed by Opposer are due to the first phoneme contained in the respective marks, and nothing more.

28. Grip the Mat affirmatively alleges that there is no likelihood of confusion, mistake, or deception between Grip the Mat's mark and the marks listed by Opposer because Grip the Mat's mark and the marks of Opposer are marketed to discrete groups: yoga and

cycling clients, respectively. Any mark rights that Opposer may possess are narrowly circumscribed to cycling markets.

29. Grip the Mat affirmative alleges that there is no likelihood of dilution of Opposer's mark by tarnishment because Grip the Mat serves up-market corporate clients by providing yoga events at a high quality level consistent with SOULCYCLE INC's aspirations for its cycling classes.

30. Grip the Mat affirmatively alleges that there is no likelihood of dilution by blurring because Grip the Mat's and Opposer's marks are not sufficiently similar such that ordinary prospective purchasers of Grip the Mat's services have not and do not associate Grip the Mat's and Opposer's marks.

31. Grip the Mat affirmatively alleges that Opposer has failed to state a claim upon which relief may be granted.

WHEREFORE, Grip the Map requests that the Notice of Opposition be dismissed and that the Trademark Trial and Appeal Board grant such other relief as it deems just and proper.

Date: July 16, 2016

Respectfully submitted,

By: _____

Christy Skarulis

Member

Grip the Mat, LLC

4947 Greencroft Road

Sarasota, Florida 34235

christy@griphemat.com

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Applicant's Answer to Notice of Opposition has been served on opposing counsel by mailing said copy on July 16, 2016, via First Class Mail, postage prepaid to:

Catherine M.C. Farrelly
Gayle Denman
Frankfurt Krnit Klein & Selz P.C.
488 Madison Avenue
10th Floor
New York, New York 10022

By: _____
Christy Skarulis