

ESTTA Tracking number: **ESTTA767196**

Filing date: **08/29/2016**

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

Proceeding	91229008
Party	Defendant Me to We Social Enterprises Inc.
Correspondence Address	LISA MOTTES FITZPATRICK CELLA HARPER & SCINTO 1290 AVE OF THE AMERICAS NEW YORK, NY 10104-3800 UNITED STATES lmottes@fchs.com, tkelly@fchs.com, jhiney@fchs.com, khamilton@fchs.com, docketing@fchs.com
Submission	Answer
Filer's Name	Lisa Mottes
Filer's e-mail	lmottes@fchs.com, tkelly@fchs.com, jhiney@fchs.com, khamilton@fchs.com, docketing@fchs.com
Signature	/LisaMottes/
Date	08/29/2016
Attachments	Answer - ME TO WE.PDF(324570 bytes)

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

WE Brand S.a.r.l)	<i>In re</i> Serial No. 86520037
)	Mark: ME TO WE
Opposer,)	
)	Opposition No.: 91229008
v.)	
)	
Me to We Social Enterprises Inc.)	
)	
Applicant.)	

ANSWER TO NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES

In response to the Notice of Opposition filed in this matter on July 18, 2016, Applicant Me to We Social Enterprises Inc. (hereinafter “Me to We”), through its undersigned attorneys responds as follows:

Answering the first (unnumbered) paragraph of the Notice of Opposition, Me to We is without sufficient information and belief to form a belief as to the truth of the allegations set forth therein relating to the corporate identity and address of Opposer and therefore denies the same. Further responding to the first (unnumbered paragraph), Me to We denies that Opposer will be damaged by the issuance of a registration for the mark opposed herein.

1. Responding to the first numbered paragraph of the Notice of Opposition, Me to We admits that Opposer purports to be the owner of U.S. Trademark Reg. Nos. 4714553 and 4710199, but Me to We is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 1 of the Notice of Opposition, and therefore denies the same.

2. Responding to the second numbered paragraph of the Notice of Opposition, Me to We is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2 of the Notice of Opposition, and therefore denies the same.

3. Responding to the third numbered paragraph of the Notice of Opposition, Me to We admits the allegations set forth in paragraph 3 of the Notice of Opposition. Me to We asserts that the application referenced in paragraph 3 was filed in International Class 35 in addition to the other classes identified.

4. Responding to the fourth numbered paragraph of the Notice of Opposition, Me to We admits the allegations of paragraph 4 of the Notice of Opposition.

5. Responding to the fifth numbered paragraph of the Notice of Opposition, Me to We admits the allegations of paragraph 5 of the Notice of Opposition.

6. Responding to the sixth numbered paragraph of the Notice of Opposition, Me to We admits the allegations of paragraph 6 of the Notice of Opposition.

7. Responding to the seventh numbered paragraph of the Notice of Opposition, Me to We admits the allegations of paragraph 7 of the Notice of Opposition.

8. Responding to the eighth numbered paragraph of the Notice of Opposition, Me to We admits the allegations of paragraph 8 of the Notice of Opposition.

9. Responding to the ninth numbered paragraph of the Notice of Opposition, Me to We denies the allegations of paragraph 9 of the Notice of Opposition.

10. Responding to the tenth numbered paragraph of the Notice of Opposition, Me to We denies the allegations of paragraph 10 of the Notice of Opposition.

11. Responding to the eleventh numbered paragraph of the Notice of Opposition, Me to We denies the allegations of paragraph 11 of the Notice of Opposition.

12. Responding to the twelfth numbered paragraph of the Notice of Opposition, Me to We denies the allegations of paragraph 12 of the Notice of Opposition.

13. Responding to the thirteenth numbered paragraph of the Notice of Opposition, Me to We denies the allegations of paragraph 13 of the Notice of Opposition.

14. Responding to the "Request for Relief" paragraph in the Notice of Opposition, Me to We denies that Opposer will be damaged by the registration of the mark shown in United States Trademark Application Serial No. 86520037.

Affirmative Defenses

Further answering the Notice of Opposition herein, Me to We avers as affirmative defenses that:

1. There is no likelihood of confusion between the mark opposed herein and the marks asserted by Opposer herein.

2. There is no likelihood of confusion between the mark opposed herein and the marks asserted by Opposer herein because of the overall differences in appearance, sound, meaning, and commercial impression between the mark opposed herein and the marks asserted by Opposer herein.

3. There is no likelihood of confusion between the mark opposed herein and the marks asserted by Opposer herein because of the differences in the channels of trade for the goods in connection with which the parties' respective marks are or are intended to be used.

4. There is no likelihood of confusion between the mark opposed herein and the marks asserted by Opposer herein because of the differences in the circumstances under which consumers will make their purchasing decisions.

5. Opposer, in its Notice of Opposition, has failed to state a claim upon which the requested relief may be granted.

WHEREFORE, Me to We respectfully requests that the:

- (a) opposition brought by Opposer herein be dismissed in its entirety with prejudice;
- (b) mark opposed herein be allowed to proceed to registration; and
- (b) Board award such other and further relief to Me to We as it deems just and

proper.

Respectfully submitted,

Dated: August 29, 2016

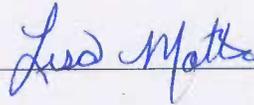
By: Lisa Mottes
Timothy J. Kelly
Jessica Hiney
Lisa Mottes
FITZPATRICK, CELLA, HARPER &
SCINTO
1290 Avenue of the Americas
New York, New York 10104-3800
Tel. (212) 218-2100

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on this the 29th day of August 2016, a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES was served by email and first class mail, postage prepaid to Opposer's counsel of record:

William J. Seiter, Esq.
Seiter Legal Studio
2500 Broadway, Bldg F Suite F125
Santa Monica, CA 90404
bill@seiterlegalstudio.com

A handwritten signature in blue ink, appearing to read "Leo Matko", is written over a horizontal line.