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

Proceeding	91229897
Party	Defendant Catharina Herriger
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Date	10/11/2016
Attachments	AnswerWaltherUmarexOpposition101116asfiled.pdf(62985 bytes )

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

14 )  
15 Carl Walther GmbH, UMAREX ) Opposition No. 91229897  
16 GmbH & Co. KG )  
17 )  
17 Opposers, ) Serial No. 86824552  
18 )  
18 v. )  
19 )  
19 Herriger, Catharina, )  
20 )  
21 Applicant. )  
22 )  
22 )

23  
24 **ANSWER TO NOTICE OF OPPOSITION**

25  
26 The following is the Answer of Applicant Catharina Herriger (“Applicant”),  
27 owner of Federal Trademark Application Serial No. 86824552 (“Applicants  
28

1 Application”), to the Notice of Opposition filed on August 31, 2016 by Carl Walther  
2 GmbH and UMAREX GmbH & Co. KG (“Opposers”) and assigned Opposition No.  
3 91229897 (“Notice of Opposition”).  
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5 1. Applicant admits that Applicant seeks registration of the trademark set forth  
6 in Applicants Application for jewellery and watches. Applicant denies the remaining  
7 allegations of paragraph 1 of the Notice of Opposition.

8 2. Applicant admits that Applicant is a Swiss citizen and that Applicant’s  
9 address set forth in Applicants Applications is an address in Switzerland. Applicant  
10 denies the remaining allegations of paragraph 2 of the Notice of Opposition.

11 3. Applicant admits that the filing date for Applicants Application is November  
12 18, 2015. Applicant denies the remaining allegations of paragraph 3 of the Notice of  
13 Opposition.

14 4. Admitted.

15 5. Admitted..

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17 6. Applicant admits that the fictional character James Bond is fictionally  
18 portrayed in movies as fictionally using a handgun fictionally referred to by the  
19 fictional name “Walther PPK.” Applicant denies the remaining allegations of  
20 paragraph 6 of the Notice of Opposition.

21 7. Applicant is without knowledge or information sufficient to form a belief as  
22 to the truth of allegations contained in paragraph 7 of the Notice of Opposition and on  
23 that basis denies the allegations of paragraph 7.

24 8. Applicant is without knowledge or information sufficient to form a belief as  
25 to the truth of allegations contained in paragraph 8 of the Notice of Opposition and on  
26 that basis denies the allegations of paragraph 8.  
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2 9. Applicant is without knowledge or information sufficient to form a belief as  
3 to the truth of allegations contained in paragraph 9 of the Notice of Opposition and on  
4 that basis denies the allegations of paragraph 9.

5 10. Applicant is without knowledge or information sufficient to form a belief  
6 as to the truth of allegations contained in paragraph 10 of the Notice of Opposition  
7 and on that basis denies the allegations of paragraph 10.

8 11. Applicant is without knowledge or information sufficient to form a belief  
9 as to the truth of allegations contained in paragraph 11 of the Notice of Opposition  
10 and on that basis denies the allegations of paragraph 11.

11 12. Applicant is without knowledge or information sufficient to form a belief  
12 as to the truth of allegations contained in paragraph 12 of the Notice of Opposition  
13 and on that basis denies the allegations of paragraph 12.

14 13. Applicant is without knowledge or information sufficient to form a belief  
15 as to the truth of allegations contained in paragraph 13 of the Notice of Opposition  
16 and on that basis denies the allegations of paragraph 13.

17 14. Applicant is without knowledge or information sufficient to form a belief  
18 as to the truth of allegations contained in paragraph 14 of the Notice of Opposition  
19 and on that basis denies the allegations of paragraph 14.

20  
21 15. Denied.

22 16. Denied.

23 17. Denied.

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25 18. Applicant admits that Applicant was aware that Opposers alleged rights in  
26 certain marks as of Applicant's filing date. Applicant denies the remaining allegations  
27 of paragraph 18.

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1           19. Applicant admits that Applicant's great great grandfather was Carl Walther.  
2 Applicant denies the remaining allegations of paragraph 19.

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4           20. Denied.

5           21. Applicant admits that Applicant applied to register the mark WALTHER  
6 (Serial No. 85965933) on June 20, 2013. Applicant denies the remaining allegations  
7 of paragraph 19.

8           22. Denied.

9           23. Denied.

10          24. Denied.

11          25. Denied.

12          26. Applicant realleges Applicants responses to paragraphs 1 to 25.

13          27. Denied.

14          28. Denied.

15          29. Denied.

16          30. Denied.

17          31. Admitted.

18          32. Applicant is without knowledge or information sufficient to form a belief  
19 as to the truth of allegations contained in paragraph 32 of the Notice of Opposition  
20 and on that basis denies the allegations of paragraph 32.

21          33. Denied.

22          34. Denied.

23          35. Denied.

24          36. Denied.

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- 37. Applicant realleges Applicants responses to paragraphs 1 to 26.
- 38. Denied.
- 39. Denied.
- 40. Denied.
- 41. Denied.
- 42. Denied.
- 38. Denied.
- 39. Denied.
- 40. Denied.
- 41. Denied.
- 42. Denied.
- 43. Denied.
- 44. Denied.
- 45. Denied.
- 46. Denied.
- 47. Denied.
- 48. Denied.
- 49. Denied.
- 50. Denied.
- 51. Denied.
- 52. Denied.
- 53. Denied.

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54. Denied.

55. Applicant realleges Applicants responses to paragraphs 1 to 54.

56. Denied.

57. Denied.

58. Denied.

59. Denied.

60. Applicant realleges Applicants responses to paragraphs 1 to 59.

61. Admitted.

62. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations contained in paragraph 62 of the Notice of Opposition and on that basis denies the allegations of paragraph 62.

63. Denied.

64. Denied.

65. Denied.

66. Denied.

67. Applicant realleges Applicants responses to paragraphs 1 to 66.

68. Denied.

69. Denied.

70. Applicant admits that Switzerland is in Europe. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations contained in paragraph 70 of the Notice of Opposition and on that basis denies the allegations of paragraph 70.

1           71. Applicant is without knowledge or information sufficient to form a belief  
2 as to the truth of allegations contained in paragraph 71 of the Notice of Opposition  
3 and on that basis denies the allegations of paragraph 71.  
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5           72. Denied.

6           73. Denied.

7           74. Applicant realleges Applicants responses to paragraphs 1 to 73.

8           75. Denied.

9           76. Denied.  
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11           77. Applicant admits that Switzerland is in Europe. Applicant is without  
12 knowledge or information sufficient to form a belief as to the truth of allegations  
13 contained in paragraph 77 of the Notice of Opposition and on that basis denies the  
14 allegations of paragraph 77.

15           78. Applicant is without knowledge or information sufficient to form a belief  
16 as to the truth of allegations contained in paragraph 78 of the Notice of Opposition  
17 and on that basis denies the allegations of paragraph 78.  
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19           79. Denied.

20           80. Denied.

21           81. Applicant realleges Applicants responses to paragraphs 1 to 80.

22           82. Denied.

23           83. Applicant admits that Switzerland is in Europe. Applicant is without  
24 knowledge or information sufficient to form a belief as to the truth of allegations  
25 contained in paragraph 83 of the Notice of Opposition and on that basis denies the  
26 allegations of paragraph 83.  
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1           84. Applicant is without knowledge or information sufficient to form a belief  
2 as to the truth of allegations contained in paragraph 78 of the Notice of Opposition  
3 and on that basis denies the allegations of paragraph 78.  
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5           85. Denied.  
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7           FURTHERMORE, Applicant sets forth the following in support of its position:  
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9           86. Opposers' trademark rights are limited in scope.  
10

11           87. Opposers do not have the exclusive right to use the mark WALTHER for  
12 all goods and services.

13           88. On information and belief, Opposers are not using their marks for all of the  
14 goods and services listed in Opposers' U.S. federal trademark registrations.

15           89. Dozens of trademark registrations exist that include the term "WALTHER"  
16 or the equivalent "WALTER" that are not owned by Opposers. A search for marks  
17 containing the terms "WALTHER" or "WALTER" on TESS returns over 300 records.

18           90. Opposers do not sell and on information and belief never have sold watches  
19 and jewellery bearing Opposers' trademarks in the United States.

20           91. The mark set forth in Applicants Application is not likely to cause  
21 confusion, mistake or deception to purchasers as to the source of Applicant's and  
22 Opposers' goods.

23           92. The mark set forth in Applicants Application is not likely to disparage or  
24 falsely suggest a trade connection between Opposers and Applicant.

25           93. Opposers are classic trademark bullies.  
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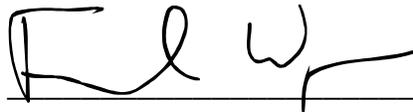
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3 **CERTIFICATE OF SERVICE**

4 I HEREBY CERTIFY that a true and correct copy of the forgoing Answer to  
5 Notice of Opposition has been served on Opposers' Attorney of Record, Stephen R.  
6 Baird, by mailing said copy on October 11, 2016 via First Class Mail, postage  
7 prepaid, to Stephen R. Baird, Winthrop & Weinstine, P.A., 225 South Sixth Street,  
8 Suite 3500, Minneapolis, MN 55402.

9 Respectfully submitted,  
10 **TECHCOASTLAW**

11 Dated: October 11, 2016

12 By:

13 

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18 Applicant