

ESTTA Tracking number: **ESTTA447214**

Filing date: **12/19/2011**

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

Proceeding	91202495
Party	Defendant American Bully Kennel Club, LLC
Correspondence Address	FREDERICK N. SAMUELS CAHN & SAMUELS, LLP 1100 17TH ST NW STE 401 WASHINGTON, DC 20036-4650  frederick.samuels@cahnsamuels.com
Submission	Answer
Filer's Name	Frederick Samuels
Filer's e-mail	fnsdocketing@cahnsamuels.com
Signature	/Frederick Samuels/
Date	12/19/2011
Attachments	Answer.pdf ( 6 pages )(17078 bytes )

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

In the Matter of Trademark Application Serial No. 85/337,929  
For the Mark: **ABKC**  
Published in the Official Gazette on Nov. 1, 2011

United Bully Kennel Club, Inc.  
Opposer

v.

Opposition No. 91202495

American Bully Kennel Club, LLC  
Applicant

**ANSWER TO NOTICE OF OPPOSITION**

The following is the Answer of Applicant American Bully Kennel Club, LLC (“Applicant”), owner of Federal Trademark Application Serial No. 85/337,929 for the mark **ABKC**, by and through Counsel, Cahn & Samuels, LLP, to the Notice of Opposition filed on November 9, 2011 by United Bully Kennel Club, Inc. (hereinafter “Opposer”), and assigned Opposition No. 91202495.

Applicant hereby responds, solely for the purpose of this proceeding, to each of the grounds set forth in the Notice of Opposition, as follows:

1. Admitted.
2. Applicant is without sufficient information to admit or deny this allegation.
3. Applicant is without sufficient information to admit or deny this allegation.
4. Applicant denies that Opposer owns trademark rights in the UBKC United Bully Kennel Club designation. Applicant is without sufficient information to admit or deny the remaining allegations of paragraph 4.

5. Applicant denies that Opposer owns trademark rights in the UBKC UNITED BULLY KENNEL CLUB designation. Applicant is without sufficient information to admit or deny the remaining allegations of paragraph 5.
6. Applicant denies that Opposer owns trademark rights in the UBKC designation. Applicant is without sufficient information to admit or deny the remaining allegations of paragraph 6.
7. Applicant denies that Opposer owns trademark rights in the UBKC designation. Applicant is without sufficient information to admit or deny the remaining allegations of paragraph 7.
8. Applicant denies that Opposer owns trademark rights in the UBKC United Bully Kennel Club designation. Applicant is without sufficient information to admit or deny the remaining allegations of paragraph 8.
9. Applicant is without sufficient information to admit or deny the allegations of paragraph 9.
10. Denied.
11. Applicant is without sufficient information to admit or deny the allegations of paragraph 11.
12. Applicant admits the allegations of paragraph 12 and incorporates by reference its responses to paragraphs 1-11.
13. Denied.
14. Denied.
15. Denied.

16. Applicant is without sufficient information to admit or deny the allegations of paragraph 16.
17. Denied.
18. Applicant admits that it would obtain a *prima facie* exclusive right to use the ABKC mark. Applicant denies that such right would damage Opposer.
19. Denied.
20. Applicant admits the allegations of paragraph 12 and incorporates by reference its responses to paragraphs 1-19.
21. Denied.
22. Denied.
23. Denied.
24. Denied.
25. Applicant admits the allegations of paragraph 12 and incorporates by reference its responses to paragraphs 1-24.
26. Applicant is without sufficient information to admit or deny the allegations of paragraph 26.
27. Applicant is without sufficient information to understand what is meant by “refers to” and therefore must deny this allegation.
28. Denied.
29. Admitted.
30. Denied.
31. Denied.

FURTHERMORE, Applicant sets forth the following in support of its defense:

**FIRST AFFIRMATIVE DEFENSE**  
(Estoppel)

Opposer's claims are barred by the doctrine of estoppel.

**SECOND AFFIRMATIVE DEFENSE**  
(Unclean Hands)

Opposer's claims are barred by the doctrine of unclean hands.

**THIRD AFFIRMATIVE DEFENSE**  
(No Likelihood of Confusion)

There is no likelihood of confusion between with respect to the ABKC mark and any of the UBKC, UNITED BULLY KENNEL CLUB, and UBKC UNITED BULLY KENNEL CLUB mark

**FOURTH AFFIRMATIVE DEFENSE**  
(No Trademark Rights)

Opposer does not own trademark rights or rights analogous to trademark rights in the UBKC, UNITED BULLY KENNEL CLUB and UBKC UNITED BULLY KENNEL CLUB marks.

WHEREFORE, Applicant prays that the Trademark Trial and Appeal Board deny

the Opposition and permit registration of Applicant's proposed mark in Application Serial No. 85/337,929 in the United States Patent and Trademark Office.

Date: December 19, 2011

Respectfully Submitted,

By: /Frederick N. Samuels/

Frederick N. Samuels  
Cahn & Samuels, LLP  
1100 17<sup>th</sup> St., NW, Suite 401  
Washington, D.C. 20036  
Tel: 202 331-8777  
Fax: 202 331-3838  
E-mail: [frederick.samuels@cahnsamuels.com](mailto:frederick.samuels@cahnsamuels.com)

**ESTTA CERTIFICATAION**

I hereby certify that the Answer to the Notice of Opposition is being filed electronically with the United States Patent and Trademark Office utilizing ESTTA this 19<sup>th</sup> day of December, 2011

/Frederick Samuels/

**CERTIFICATE OF SERVICE**

I hereby certify that true copies of the Answer to the Notice of Opposition was deposited as First Class mail with the United States Postal Service on January 15, 2011, to Counsel for Opposer at the following address:

Manuel Rodriguez, Esq.  
Rodriguez & Rodriguez Law Firm PC  
1900 S. Norfolk, St., Ste. 350  
San Mateo, CA 94403

By: /Frederick N. Samuels/