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

Proceeding	91207502
Party	Defendant Kaarya, LLC
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Date	07/31/2013
Attachments	130730_kaarya_answer_to_ewb_opp-signed.pdf(289149 bytes)

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

8 EAST WEST BANK,)
9 Opposer,) Opposition No.: 91207502
vs.)
10) Serial No.: 85/526,489
11 KAARYA, LLC,)
Applicant.) Mark: eBridge
12)
13) Answer to Notice of Opposition
14)

15
16 **ANSWER TO NOTICE OF OPPOSITION**

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18 Kaarya, LLC., (“Applicant”, answers the Notice of Opposition filed by East West Bank,
19 Inc. (“Opposer”) as follows:

- 20 1. Admit.
- 21 2. Applicant denies that the shown logo drawing of a bridge in paragraph 3 contains
22 the term “BRIDGE”. Applicant is without sufficient information as to form a belief as to the
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1 truth of the remaining allegations of Paragraph 2, and on such basis denies those allegations in
2 their entirety.

3 3. Applicant is without sufficient information as to form a belief as to the truth of the
4 allegations of Paragraph 3, and on such basis denies those allegations in their entirety.

5 4. Applicant is without sufficient information as to form a belief as to the truth of the
6 allegations of Paragraph 4, and on such basis denies those allegations in their entirety.

7 5. Applicant is without sufficient information as to form a belief as to the truth of the
8 allegations of Paragraph 5, and on such basis denies those allegations in their entirety.

9 6. Applicant is without sufficient information as to form a belief as to the truth of the
10 allegations of Paragraph 6, and on such basis denies those allegations in their entirety.

11 7. Applicant is without sufficient information as to form a belief as to the truth of the
12 allegations of Paragraph 7, and on such basis denies those allegations in their entirety.

13 8. Applicant is without sufficient information as to form a belief as to the truth of the
14 allegations of Paragraph 8, and on such basis denies those allegations in their entirety.

15 9. Applicant is without sufficient information as to form a belief as to the truth of the
16 allegations of Paragraph 9, and on such basis denies those allegations in their entirety.

17 10. Applicant is without sufficient information as to form a belief as to the truth of the
18 allegations of Paragraph 10, and on such basis denies those allegations in their entirety.

19 11. Applicant is without sufficient information as to form a belief as to the truth of the
20 allegations of Paragraph 11, and on such basis denies those allegations in their entirety.

21 12. Applicant is without sufficient information as to form a belief as to the truth of the
22 allegations of Paragraph 12, and on such basis denies those allegations in their entirety.

1 13. Applicant admits that Opposer’s formerly asserted marks “BRIDGE EXPRESS”,
2 and “EXPRESS BRIDGE” have both been abandoned by Opposer after rejection by the
3 trademark Examining Attorney as merely descriptive. Applicant is without sufficient
4 information as to form a belief as to the truth of the other allegations of Paragraph 13, and on
5 such basis denies those allegations in their entirety.

6 14. Applicant admits that Opposer’s formerly asserted marks “BRIDGE EXPRESS”,
7 and “EXPRESS BRIDGE” have both been abandoned by Opposer after rejection by the
8 trademark Examining Attorney as merely descriptive. Applicant is without sufficient
9 information as to form a belief as to the truth of the other allegations of Paragraph 14, and on
10 such basis denies those allegations in their entirety.

11 15. Applicant is without sufficient information as to form a belief as to the truth of the
12 allegations of Paragraph 15, and on such basis denies those allegations in their entirety.

13 16. Applicant is without sufficient information as to form a belief as to the truth of the
14 allegations of Paragraph 16, and on such basis denies those allegations in their entirety.

15 17. Admit.

16 18. Deny.

17 19. Deny.

18 20. Applicant denies that Opposer will incur any damages at all in contravention to
19 the allegations contained in this paragraph. Applicant denies remaining allegations of paragraph
20 in their entirety.

21 21. Opposition paragraph 21 stricken by decision of the Board.

22 22. Opposition paragraph 22 stricken by decision of the Board.

23 23. Opposition paragraph 23 stricken by decision of the Board.

1 6. Images and drawing of bridges are used by numerous financial institutions and
2 financial service companies in advertising and in trade and service marks. Nothing about
3 Opposer's mark Reg. No. 3422777 which is a drawing of a bridge is inherently distinctive, and
4 the design has no acquired distinctiveness.

5 7. No likelihood of confusion exists between Applicant's standard character mark
6 "EBRIDGE" and Opposer's mark depicting a drawing of a bridge.

7 8. Opposer has is barred by the doctrine of collateral estoppel against asserting any
8 rights to the word/standard characters "BRIDGE" as the Board has dismissed with prejudice
9 previous actions by Opposer asserting such rights.

10 9. Opposer is precluded from any asserting claims in regards to "EXPRESS
11 BRIDGE" and "BRIDGE EXPRESS" as the Trademark Office has determined Opposer's
12 intended use of these terms is merely descriptive and not entitled to trademark registration.
13 Opposer has constructively abandoned rights first by amending its application 85/297,834 from
14 the first mark form to the second form, and then failing to file an appeal to the Board.

15 10. None of Opposer's standard character marks are inherently distinctive or has
16 acquired distinctiveness. Applicant's EBRIDGE mark is not likely to cause confusion with any
17 of Opposer's standard character marks.

REQUESTED RELIEF

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21 WHEREFORE, Applicant having answered Opposer's Notice of Opposition, requests:
22 (1) that Opposer's Notice of Opposition No. 91207502 be dismissed with prejudice; (2) that
23 Applicant's Application Serial No. 85526489 proceed to registration on the Principal Register;

1 and (3) that Applicant be granted such relief as the Board deems just and equitable under the
2 circumstances.

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4 Dated: July 31, 2013



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1 CERTIFICATE OF SERVICE

2 I certify that this **ANSWER TO NOTICE OF OPPOSITION** is being served on Opposer
3 by mailing a true and correct copy to the attorney of record, via First Class Mail, on July 31, 2013,
4 in an envelope addressed as follows:

4 Thomas T Chan
5 Fox Rothschild LLP
6 1055 West 7th Street, Suite 1880
7 Los Angeles, CA 90017

8 /Brian S. Billett/
9 Brian Billett