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

Proceeding	91211436
Party	Defendant Eric Insua
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Submission	Answer
Filer's Name	Oliver Alan Ruiz
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Signature	/Oliver Alan Ruiz/
Date	12/30/2013
Attachments	Amended Answer and Affirmative Defenses - FINAL.pdf(163794 bytes )

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

In the Matter of Application Serial No. 85/624,694:  
DÁLE! DO IT  
Published in the Official Gazette on April 23, 2013

ACP IP, LLC,	)	
	)	
Opposer,	)	
	)	
v.	)	Opposition No. 91211436
	)	
ERIC INSUA,	)	
	)	
Applicant.	)	
_____	)	

**AMENDED ANSWER AND AFFIRMATIVE DEFENSES**

Applicant, ERIC INSUA, by and through the undersigned counsel, responds to the Amended Notice of Opposition filed herein by the Opposer, as follows:

**Answer**

1. Admitted.
2. Admitted.
3. Applicant is without knowledge sufficient to admit or deny the allegations contained in Paragraph 3 of the Amended Notice of Opposition, and therefore denies same.
4. Applicant is without knowledge sufficient to admit or deny the allegations contained in Paragraph 4 of

the Amended Notice of Opposition, and therefore denies same.

5. Applicant denies that "let's go," is the sole or correct interpretation. Applicant denies that the term has become a tagline as used by Armando Perez, professionally known as Pitbull. Applicant is without knowledge sufficient to admit or deny the remaining allegations contained in Paragraph 5 of the Amended Notice of Opposition, and therefore denies same.

6. Applicant is without knowledge sufficient to admit or deny the allegations contained in Paragraph 6 of the Amended Notice of Opposition, and therefore denies same.

7. Admitted that U.S. Application Serial No. 85/877,669 speaks for itself. The Applicant is without knowledge sufficient to admit or deny the remaining allegations contained in Paragraph 7 of the Amended Notice of Opposition, and therefore denies same.

8. Admitted that the prosecution history of U.S. Application Serial No. 85/877,669 speaks for itself. Applicant is without knowledge sufficient to admit or deny the remaining allegations contained in

Paragraph 8 of the Amended Notice of Opposition, and therefore denies same.

9. Admitted that Opposer's use and registration will be impaired by registration of the Application, but denied that Opposer has priority in the mark or a basis to claim that it will be damaged by the registration of the Application. Applicant is without knowledge sufficient to admit or deny the remaining allegations contained in Paragraph 9 of the Amended Notice of Opposition, including any details of alleged use by the Opposer, and therefore denies same.

**PRIORITY AND LIKELIHOOD OF CONFUSION**

10. Applicant is without knowledge sufficient to admit or deny the allegations contained in Paragraph 10 of the Amended Notice of Opposition, and therefore denies same.

11. Applicant is without knowledge sufficient to admit or deny the allegations contained in Paragraph 11 of the Amended Notice of Opposition, and therefore denies same.

12. Admitted that the Application was filed on May 14, 2012. Applicant is without knowledge sufficient to admit or deny the remaining allegations contained

in Paragraph 12 of the Amended Notice of Opposition, and therefore denies same.

13. Admitted that the applied-for mark incorporates the term "DÁLE". Applicant is without knowledge sufficient to admit or deny the remaining allegations in Paragraph 13 of the Amended Notice of Opposition, and therefore denies same.

14. Applicant is without knowledge sufficient to admit or deny the allegations contained in Paragraph 14 of the Amended Notice of Opposition, and therefore denies same.

15. Denied.

16. Denied.

17. Paragraph 17 of the Amended Notice of Opposition is a prayer for relief, and as such, no response is necessary. To the extent a response is required, the Applicant denies that the Opposer is entitled to any relief, and requests that the Amended Notice of Opposition be denied.

**GENERAL DENIALS**

18. Applicant denies all of the allegations contained in the PREAMBLE and CONCLUSION of the Amended Notice of Opposition.

19. Applicant hereby denies each and every allegation, claim or prayer for relief in the Amended Notice of Opposition, except as expressly admitted herein, and demands strict proof thereof.

**AFFIRMATIVE DEFENSES**

In response to the Amended Notice of Opposition, Applicant affirmatively states:

1. Opposer lacks priority as between the Applicant's mark and any alleged mark upon which Opposer can rely.
2. Applicant reserves the right to amend its affirmative defenses.

WHEREFORE Applicant requests that the Amended Notice of Opposition be denied.

Respectfully submitted,

Dated: December 30, 2013

By:           /Oliver Alan Ruiz/            
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*Attorneys for Applicant*

**CERTIFICATE OF FILING**

I HEREBY CERTIFY that the foregoing Amended Answer and Affirmative Defenses was filed electronically via the ESTTA, at the United States Patent and Trademark Office, Trademark Trial and Appeal Board's ESTTA electronic filing system, on December 30, 2013.

By: /Oliver Alan Ruiz/  
Oliver Alan Ruiz  
Florida Bar No. 524,786

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and complete copy of the foregoing Answer and Affirmative Defenses has been served on the following by email, per prior agreement of the parties, on December 30, 2013 to the following email addresses:

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Respectfully submitted,

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