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

Proceeding	91211987
Party	Defendant Ace Eat Serve Inc.
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Date	09/17/2013
Attachments	AnswerToOpposition.pdf(271218 bytes)

CERTIFICATE OF MAILING VIA ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals on September 17, 2013.

/Glenn H. Lenzen/

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

In re Application No. 85705872
For the Mark: ACE & Design
In the name of Ace Eat Serve Inc.
Filed: August 16, 2012
Published: February 12, 2013

ACE GROUP INTERNATIONAL, LLC

Opposer,

v.

ACE EAT SERVE INC.,

Applicant.

Opposition No. 91211987

ANSWER TO NOTICE OF OPPOSITION

Ace Eat Serve Inc. (hereinafter "Applicant"), a Colorado corporation with offices located at 1822 Blake Street, Suite D, Denver, Colorado 80202, is the owner of United States Trademark Application No. 85705872 (hereinafter, the "Application") for the mark ACE & Design (hereinafter, "Applicant's Mark"), published for opposition on February 12, 2013. Applicant, by and through its attorneys, answers the allegations set forth by Ace Group International, LLC (hereinafter, "Opposer") in its Notice of Opposition as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the Notice of Opposition and therefore denies those

allegations.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2 of the Notice of Opposition and therefore denies those allegations.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 of the Notice of Opposition and therefore denies those allegations.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 4 of the Notice of Opposition and therefore denies those allegations.

5. Applicant admits that it filed an application (Serial No. 85705872) on August 16, 2012. Applicant denies the remaining allegations in paragraph 5 of the Notice of Opposition.

6. Applicant denies the allegations in paragraph 6 of the Notice of Opposition.

7. Applicant denies the allegations in paragraph 7 of the Notice of Opposition.

8. Applicant denies the allegations in paragraph 8 of the Notice of Opposition.

9. Applicant denies the allegations in paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations in paragraph 10 of the Notice of Opposition.

11. Applicant denies the allegations in paragraph 11 of the Notice of Opposition.

12. Applicant denies the allegations in paragraph 12 of the Notice of Opposition.

13. Applicant denies the allegations in paragraph 13 of the Notice of Opposition.

14. Applicant denies that the Opposer is entitled to the relief sought in the

WHEREFORE clause of the Notice of Opposition.

AFFIRMATIVE DEFENSES

1. Applicant denies any allegations in the Notice of Opposition not specifically admitted herein.
2. The Notice of Opposition fails to state a claim upon which relief can be granted.
3. The Notice of Opposition is barred by the doctrines of waiver, laches, acquiescence and estoppel.
4. Applicant's use of its mark will not mistakenly be thought by the public to derive from the same source as Opposer's services, nor will such use be thought by the public to be use by Opposer or with Opposer's authorization or approval.
5. Applicant's mark, when used in association with Applicant's services, is not likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection or association of Applicant with Opposer, or as to the origin, sponsorship or approval of Applicant's services by Opposer.
6. Applicant reserves the right to assert any counterclaims it may become aware of during the discovery process.
7. Applicant reserves the right to assert any and all other affirmative defenses of which it may become aware during the discovery process.

WHEREFORE, having fully answered, Applicant respectfully requests that the Trademark Trial and Appeal Board dismiss Opposer's Notice of Opposition with prejudice and grant such other and further relief as the Trademark Trial and Appeal Board deems just and proper.

Dated: September 17, 2013.

Respectfully submitted,

/s/ Glenn H. Lenzen
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CERTIFICATE OF SERVICE

I hereby certify that on this 17th day of September, 2013, a true and correct copy of the foregoing was mailed first class, postage prepaid to:

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Kilpatrick Townsend & Stockton LLP
2 Embarcadero Center, 8th Floor
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Attorneys for Opposer Ace Group International, LLC

/Glenn H. Lenzen/