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

Proceeding	91214565
Party	Defendant GAL NATAN, Gal Roi
Correspondence Address	GAL ROI 3330 NE 190TH ST APT 2110 AVENTURA, FL 33180-2760 cellphonehi@yahoo.com;roi@bicohawaii.co
Submission	Answer
Filer's Name	ROI GAL
Filer's e-mail	ROI@BICOHAWAII.COM, CELLPHONEHI@YAHOO.COM
Signature	/ROI GAL/
Date	02/19/2014
Attachments	crazy answer fina SIGN.pdf(146279 bytes)

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

In the Matter of Trademark Application Serial No. 85/958,166
Published in the Official Gazette November 19, 2013

E-FILLIATE, Inc.,

Opposer

v.

ROI GAL and NATAN GAL,

Applicants

Opposition No.

[91214565](#)

**APPLICANTS ANSWER
TO NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES**

Applicants, ROI GAL and NATAN GAL (“GAL’S”), for its answer to the Notice of Opposition filed by E-FILLIATE, Inc. (“E-FILLIATE”) against application for registration of GAL’S trademark CRAZY CASE, Serial No. 85/958,166 filed June 12 2013, and published in the Official Gazette of November 19,2013 (the “Mark”), pleads and avers as follows:

1. Applicants Admit Allegation of Paragraph 1.
2. Applicants Admit Allegation of Paragraph 2.
3. Applicants denies knowledge and information sufficient to admit or deny the allegations of Paragraph 3.
4. Applicants denies knowledge and information sufficient to admit or deny the allegations of paragraph 4.

5. Applicants denies knowledge and information sufficient to admit or deny the allegations of paragraph 5.
6. Answering Paragraph 6 of the Notice of Opposition, Applicant admits that the Mark first use of “at least as early as 06/01/2013”, but otherwise denies each and every Allegations contained therein.
7. Applicants denies each and every allegation contained in paragraph 7.
8. Applicants denies each and every allegation contained in paragraph 8.
9. Applicants denies knowledge and information sufficient to admit or deny the allegations of paragraph 9.
10. Applicants denies knowledge and information sufficient to admit or deny the allegations of paragraph 10.
10. Applicants denies each and every allegation contained in paragraph 11.

AFFIRMATIV DEFENSES

First Affirmative Defense

Applicants are working in the cellphone, tablets and computers accessories industries for over 8 years and establish high reputation for their honesty and creativity.

Second Affirmative Defense

As a result of Applicants continuous use of the Mark since the time of Applicant’s adoption thereof, the Mark has developed significant goodwill among the consuming public and consumer acceptance of the services offered by Applicants in conjunction with the Mark. Such goodwill and widespread usage has caused the Mark to acquire distinctiveness with respect to Applicants, and caused the Mark to become a valuable asset of Applicants.

Third Affirmative Defense

There is no likelihood of confusion, mistake or deception because, inter alia, the Mark and the alleged “intention to use” trademark of Opposer application are not in use yet; while applicants mark is already in use.

Fourth Affirmative Defense

Even if there is likelihood confusion its goes against the opposer as applicants mark is priorities in registration and existence to opposer intent to use and application.

Fifth Affirmative Defense

Applicants have a lease with Glimtcher property in Hawaii for two locations; one applicants' location operate cellphone accessories; the other use for customize cellphone, tablets and computer cases under the name of Crazy Case. Both location are still open and available for the public.

Sixth Affirmative Defense

Applicants have been order the exhibit he submitted in its application for poly bag with the Crazy Case Logo on May 4 2013 and received them a week before he started using the mark at the locations.

Seventh Affirmative Defense

Applicant has been using the Mark and developing consumer recognition and goodwill therein since at least June 1st 2013, the date in which he opened its crazy case retail location

which carrying customize cases and use the name Crazy Case to identify its brand, such use being open, notorious and known to the public and such knowledge, in turn, being known to Applicants. During this time Opposer failed to take meaningful action to assert the claims on which it bases this Opposition, on which inaction Applicants has relied to its detriment. Opposer's claims are consequently barred by the doctrines of laches, acquiescence and estoppel.

Eighth Affirmative Defense

Due to the nature of the items and request by applicant's consumer, applicants created Facebook page called Crazy Case of Hawaii where applicants upload all customer crazy case design Starting on the date Applicants decide to register their mark June 12 2013.

Ninth Affirmative Defense

Applicants have local web site called Hawaii case.com that's serve both local customers market in Hawaii for all customize need as well as global as many tourist travel to Hawaii. Applicant's logo on the site is applicants trade mark CRAZY CASE to identify its mark and this online site can be easily search.

WHEREFORE, Applicants prays as follows:

- (a) this opposition be dismissed;
- (b) a registration for the term CRAZY CASE be issued to the Applicants.

Dated:

Respectfully Submitted,

By: _____
Roi Gal

3330 NE 190TH ST
Apt 2110
Aventura FL 33180
roi@bicohawaii.com
PH:305-343-4210

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 19th day of February 2014 a true copy of the foregoing ANSWER, AFFIRMATIVE DEFENSES as listed on the TARR was served in the following manner on February 19th 2014:

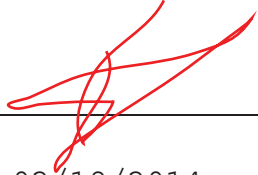
VIA PRIORITY CLASS MAIL Tracking **9405 5036 9930 0240 5068 35**

Bradley P Heisler
Heisler & Associates
3017 Douglas Blvd., Suit 300
Roseville CA 95661
UNITED STATE

Email: BHEISLER@HEISLERLAW.COM PH:916-781-6634

CERTIFICATE OF ELECTRONIC FILING

The undersigned certifies that this submission (along with any paper referred to as being attached or enclosed) is being filed with the United States Patent and Trademark Office via the Electronic System for Trademark Trials and Appeals (ESTTA) on this 19th day of February 2014.

By:  _____
Roi Gal
Date 02/19/2014

3330 NE 190TH ST
Apt 2110
Aventura FL 33180
roi@bicohawaii.com
PH:305-343-4210