

ESTTA Tracking number: **ESTTA598215**

Filing date: **04/11/2014**

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

Proceeding	91215211
Party	Defendant Mullis, Melinda
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Submission	Answer
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Date	04/11/2014
Attachments	Answer to Notice of Opposition.pdf(93896 bytes)

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

ORANGE BRAND SERVICES LIMITED,)	
)	
Opposer,)	ANSWER TO NOTICE OF
)	OPPOSITION
v.)	
)	Opposition No. 91215211
MELINDA MULLIS,)	
)	
Applicant.)	
_____)	

ANSWER TO NOTICE OF OPPOSITION

Melinda Mullis (hereinafter “Applicant”), through his attorneys, answers Opposer Orange Brand Services Limited (hereinafter “Opposer”) Notice of Opposition filed on March 3, 2014 (hereinafter “Notice”) as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Notice, and, therefore, denies the same.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Notice, and, therefore, denies the same.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Notice, and, therefore, denies the same.

4. Applicant admits that Opposer filed the opposed application to register ORANGERO, but is without knowledge or information sufficient to form a

belief as to the truth of the remainder of the allegations contained in Paragraph 4 of the Notice, and, therefore, denies the same.

5. Applicant denies the allegations contained in Paragraph 5 of the Notice.

6. Applicant denies the allegations contained in Paragraph 6 of the Notice.

AFFIRMATIVE DEFENSES

In view of the allegations set forth in the Notice of Opposition, as well as the responses of Applicant set forth above, Applicant sets forth the following affirmative defenses:

1. The Notice of Opposition fails to state a claim upon which relief can be granted.

2. Opposer's claims are barred by the equitable doctrines of waiver, estoppel, laches, acquiescence and/or unclean hands.

3. Opposer lacks standing to assert its claims.

4. Opposer's Notice of Opposition is barred in whole or in part because there is no likelihood of confusion between Opposer's mark and Applicant's ORANGEROC mark.

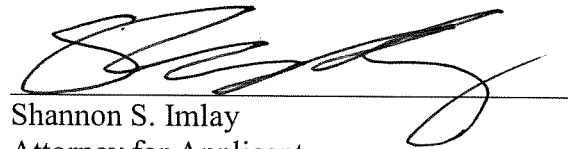
5. Due to the number of other "orange"-composite marks registered with the United States Trademark Office for use in connection with advertising services, Opposer's mark is entitled to a very limited scope of protection.

6. Applicant reserves the right to rely on all further affirmative defenses that become available or appear during discovery proceedings in this action, and

Applicant reserves the right to amend this Answer and Affirmative Defenses for the purposes of asserting any such additional affirmative defenses.

WHEREFORE, Applicant respectfully requests that (1) the Notice of Opposition be denied; (2) judgment be entered in its favor and that Opposition No. 91215211 be dismissed in its entirety, and with prejudice; (3) Applicant's mark be allowed registration; and (4) for such other relief as the Board deems just and proper.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Shannon S. Imlay', is written over a horizontal line.

Shannon S. Imlay
Attorney for Applicant
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Dated: April 11, 2014.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served via email and via first class mail, postage prepaid, upon Dickerson M. Downing, of the law firm of Crowell & Moring LLC, 590 Madison Avenue, New York, NY 10022, this 11th day of April, 2014.



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