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Filing date: **09/06/2014**

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

Proceeding	91217638
Party	Defendant The TJX Companies, Inc.
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Date	09/06/2014
Attachments	TJX Answer 91217638_1.PDF(83801 bytes)

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

YOSHIDA & CO., LTD.,)
)
 Opposer,)
)
 v.) Opposition No. 91217638
) (Application No. 86/265,687)
 THE TJX COMPANIES, INC.,)
)
 Applicant)

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant, The TJX Companies, Inc. ("TJX"), hereby sets forth its answer to the *Notice of Opposition* filed by Opposer, Yoshida & Co., Ltd. ("Yoshida"), and states as follows:

1. TJX is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1 of the *Notice of Opposition* and therefore denies those allegations.

2. TJX admits the allegations of Paragraph 2 of the *Notice of Opposition*.

3. TJX does not know what Yoshida believes, and, in any event, TJX denies that Yoshida will be damaged by the subject application as it relates to the listed goods in Class 25. Accordingly, TJX denies the allegations of Paragraph 3 of the *Notice of Opposition*.

4. TJX is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4 of the *Notice of Opposition* and therefore denies those allegations.

5. TJX is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5 of the *Notice of Opposition* and therefore denies those allegations.

6. TJX is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6 of the *Notice of Opposition* and therefore denies those allegations.

7. TJX is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7 of the *Notice of Opposition* and therefore denies those allegations.

8. TJX is without knowledge or information sufficient to form a belief as to the truth of the allegation, in Paragraph 8 of the *Notice of Opposition*, that Yoshida has long prior rights in “Opposer’s Marks,” and therefore TJX denies that allegation. TJX admits the remainder of the allegations of Paragraph 8 of the *Notice of Opposition*.

9. TJX admits that it filed the subject application to register the PORTER & ASH mark on April 29, 2014, and that it has claimed first use and first use in commerce dates of April 21, 2014. Otherwise, TJX is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations of Paragraph 9 of the *Notice of Opposition*.

10. TJX denies the allegations of Paragraph 10 of the *Notice of Opposition*.


11. TJX denies the allegations of Paragraph 11 of the *Notice of Opposition*.

12. TJX denies the allegations of Paragraph 12 of the *Notice of Opposition*.

WHEREFORE, TJX requests that the Board dismiss with prejudice the *Notice of Opposition* filed in this proceeding, that judgment be entered for TJX, that Application

No. 86/265,687 proceed to registration, and for such other and further relief the Board deems just and proper.

Respectfully submitted,



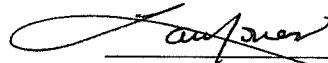
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Attorneys for Applicant,
The TJX Companies, Inc.

CERTIFICATE OF SERVICE

I hereby certify that the foregoing “Applicant’s Answer To Notice of Opposition” was duly served on Opposer by depositing a copy of same in the United States mail, first class postage prepaid, on the 5th day of September 2014, addressed to Opposer’s attorney of record as follows:

Michael R. Friscia
McCarter & English, LLP
Four Gateway Center
100 Mulberry Street
Newark, NJ 07102



Larry C. Jones