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

Proceeding	91221773
Party	Defendant Daniel Defense, Inc.
Correspondence Address	JUSTIN CHARLES WARD DANIEL DEFENSE, INC. 101 WAR FIGHTER WAY BLACK CREEK, GA 31308-5731 jward@danieldefense.com
Submission	Answer
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Date	08/05/2015
Attachments	TTAB SLM RAIL Response.pdf(145164 bytes)

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

Remington Arms Company, LLC)	
)	
<i>Opposer,</i>)	
v.)	Application Serial No. 86/369,114
)	
DANIEL DEFENSE, INC.,)	Mark: SLM RAIL
)	
)	Published: March 31, 2015
<i>Applicant.</i>)	
_____)	

**APPLICANT’S ANSWER AND AFFIRMATIVE DEFENSES TO REMINGTON’S
OPPOSITION**

NOW COMES, Daniel Defense, Inc. (hereinafter referred to as “Applicant”, by and through its undersigned counsel, and in Answer to Remington’s Opposition filed in this matter, asserts as follows:

Opening Paragraph. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments (namely, that Remington would be damaged and its corporate designation and address) in the Opening Paragraph, and therefore denies them. However, Applicant admits that Daniel Defense filed the SLM RAIL application on August 18, 2014 and has an address as listed.

Paragraph 1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 1, and therefore denies them.

Paragraph 2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments in paragraph 2, and therefore denies them. Applicant further states that the application in question is for SLM RAIL and not SLIM RAIL.

Paragraph 3. No response is required.

Paragraph 4. Applicant admits only so much as is specifically admitted herein. Applicant admits that it has disclaimed the word “Rail” in response to an office action dated December 9, 2014 and the office action stated the word merely described a feature of the Applicant’s goods. Applicant denies the word rail is “generic”. Otherwise denied).

Paragraph 5. Applicant states that the application in question is for SLM RAIL and not SLIM RAIL. SLIM RAIL is different from SLM RAIL. Admitted that USPTO made such a determination in a different application in a different trademark, and which is irrelevant here.

Paragraph 6. Applicant denies the averments of paragraph 6.

Paragraph 7. Applicant denies the averments of paragraph 7.

Paragraph 8. Applicant admits that the quotation “slim profile” is used by the applicant. Otherwise denied.

Paragraph 9. Applicant denies the averments of paragraph 9.

Paragraph 10. Applicant denies the averments of paragraph 10.

Paragraph 11. Applicant denies the averments of paragraph 11.

Conclusionary Paragraph. Applicant denies that Opposer is entitled to any relief whatsoever.

AFFIRMATIVE DEFENSES

Applicant affirmatively alleges that the Petition for Cancellation fails to state a claim upon which relief can be granted.

WHEREFORE, Applicant respectfully requests this Opposition be dismissed in its entirety with prejudice, the Petitioner’s prayer for relief be denied, US trademark application with Serial No. 86/369,114 be registered, and for such other and further relief as is considered appropriate in this proceeding.

Date: August 5, 2015

By: /s/ Justin Charles Ward

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this the 5th day of August, 2015, a true and correct copy of the foregoing APPLICANT'S ANSWER AND AFFIRMATIVE DEFENSES TO REMINGTON'S OPPOSITION was sent electronically to Opposer's correspondent listed in the TARR database at the following address:

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