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

Proceeding	91223280
Party	Defendant Myvice LLC.
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Date	09/21/2015
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK AND TRADE AND APPEAL BOARD

In the Matter of:
Application Serial No. 86/445,916
Published in the *Official Gazette*
April 14, 2015
Mark: MYVICE

Kaveh Harounian and Vice Clothing, Inc.)

Plaintiffs,)

vs.)

Myvice LLC,)

Defendant.)

Opposition No: 91223280

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Myvice LLC ("Applicant"), files this answer to the Notice of Opposition ("Opposition") filed by Opposer, Kaveh Harounian and Vice Clothing, Inc. ("Opposer") on August 12, 2015, and pleads as follows.

1. In response to the allegations in paragraph 1 of the Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of each and every statement and or allegation contained therein.

2. In response to the allegations in paragraph 2 of the Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of each and every statement and or allegation contained herein.

3. Applicant admits the allegations in paragraph 3 of the Opposition.

4. Applicant admits the allegations in paragraph 4 of the Opposition.

5. In response to the allegations in paragraph 5 of the Opposition, Applicant denies each and every allegation contained therein.

6. In response to the allegations in paragraph 6 of the Opposition, Applicant denies each and every allegation contained therein. Applicant denies that Opposer will be damaged by registration of Applicant's mark.

7. In response to the allegations in paragraph 7 of the Opposition. Applicant denies each and every allegation contained therein. Applicant denies that Opposer will be damaged by registration of Applicant's mark, and denies that Applicant's application for registration of Applicant's mark should be denied.

FIRST AFFIRMATIVE DEFENSE

8. As to Applicant's first affirmative defense, Opposer has failed to establish that Applicant's mark "consists of or compromises a mark that so resembles a mark registered in the Patent and Trademark Office, a mark or trade name previously used in the United States by another and abandoned, as to likely, when used o or in connection with the goods of the Applicant, to cause confusion, or to cause mistake, or to deceive."(quoting 15 U.S.C.A. §1052).

9. Opposer has failed to establish that Applicant used a mark or trade name that is likely to cause confusion, mistake, or deceive the public as to association with Applicant's mark because the parties' respective marks are distinctly different to preclude any findings that consumers would believe that the Applicant's mark would fall within the normal fields of expansion for Opposer's alleged goods.

SECOND AFFIRMATIVE DEFENSE

10. Opposer's claims are barred by the equitable defenses of laches, acquiescence, waiver or estoppels.

THIRD AFFIRMATIVE DEFENSE

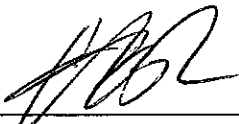
11. Opposer's claims are barred by Opposer's fraud on the United States Patent and Trademark Office in obtaining U.S. Registration No. 3053079.

WHEREFORE, Applicant respectfully prays that the mark sought to be registered be accepted and that Opposer's opposition be denied.

Dated: September 21, 2015

Respectfully submitted,

By: _____


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Attorneys for Applicant/Defendant

CERTIFICATE OF SERVICE

I hereby certify that on this the 21st day of September, 2015, a copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** was served upon the correspondent of record for applicant via U.S. mail, postage prepaid, and addressed as follows:

Robert Berliner and Sarah Silbert
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Chong Roh