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

Proceeding	91223836
Party	Defendant VocalZoom Systems, Ltd.
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Date	10/20/2015
Attachments	Answer in Opposition VOCALZOOM.pdf(93792 bytes)

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

**In Re U.S. Application Serial No. 86/357,567
For the Mark: VOCALZOOM (“the Mark”)**

KABUSHIKI KAISHA ZOOM)	<u>ANSWER</u>
)	
Opposer)	Opposition No: 91223836
)	
v.)	
)	
VOCALZOOM SYSTEMS LTD.)	
)	
Applicant)	
_____)	

ANSWER TO NOTICE OF OPPOSITION

Vocalzoom Systems Ltd. (“**Applicant**”) hereby responds as follows to the allegations made by Kabushiki Kaisha Zoom (“**Opposer**”) in the Notice of Opposition in this action:

1. Responding to the allegations contained in Paragraph 1 of the Notice of Opposition, Applicant denies generally and specifically that the Opposer will be damaged by the registration of Applicant’s Mark.
2. Responding to the allegations contained in Section 1 of the Notice of Opposition, Applicant denies generally and specifically each and every allegation contained in Section 1 of the Notice of Opposition.
3. Responding to the allegations contained in Section 2 of the Notice of Opposition, Applicant denies generally and specifically each and every allegation contained in Section 2 of the Notice of Opposition.
4. Responding to the allegations contained in Section 3 of the Notice of Opposition, Applicant denies generally and specifically each and every allegation contained in Section 3 of the Notice of Opposition.
5. Responding to the allegations contained in Section 4 of the Notice of Opposition, Applicant denies generally and specifically each and every allegation contained in Section 4 of the Notice of Opposition.

6. Responding to the allegations contained in Section 5 of the Notice of Opposition, Applicant admits that United States Patent and Trademark Office records indicate that Opposer is the record owner of U.S. Trademark Registration No. 3,555,352. Applicant denies generally and specifically each and every other allegation contained in Section 5 of the Notice of Opposition.

7. Responding to the allegations contained in Section 6 of the Notice of Opposition, Applicant denies generally and specifically each and every allegation contained in Section 6 of the Notice of Opposition.

8. Responding to the allegations contained in Section 7 of the Notice of Opposition, Applicant denies generally and specifically each and every allegation contained in Section 7 of the Notice of Opposition.

9. Responding to the allegations contained in Section 8 of the Notice of Opposition, Applicant denies generally and specifically each and every allegation contained in Section 8 of the Notice of Opposition.

10. Responding to the allegations contained in Section 9 of the Notice of Opposition, Applicant denies generally and specifically each and every allegation contained in Section 9 of the Notice of Opposition.

11. Responding to the allegations contained in Section 10 of the Notice of Opposition, Applicant denies generally and specifically each and every allegation contained in Section 10 of the Notice of Opposition.

DEFENSES

Applicant asserts the following defenses in response to the Notice of Opposition:

FIRST DEFENSE

12. Applicant denies generally and specifically each and every allegation set forth in the Notice of Opposition except to the extent such allegation has been specifically and expressly admitted herein.

SECOND DEFENSE

13. Opposer has failed to state a claim, in whole or in part, upon which relief can be granted.

THIRD DEFENSE

14. Opposer's rights in its marks are weak, limited in scope and/or altogether lacking given the numerous third-party uses and registrations of similar marks.

FOURTH DEFENSE

15. Some or all of Opposer's claims are barred by the doctrine of unclean hands.

FIFTH DEFENSE

16. Some or all of Opposer's claims are barred by the doctrine of estoppel.

SIXTH DEFENSE

17. Some or all of Opposer's claims are barred by the doctrine acquiescence.

SEVENTH DEFENSE

18. Some or all of Opposer's claims are barred by the doctrine of waiver.

EIGHTH DEFENSE

19. Some or all of Opposer's claims are barred by the doctrine of abandonment.

Applicant reserves the right to add additional defenses as they become known during discovery or otherwise.

RELIEF REQUESTED

WHEREFORE, the Applicant respectfully requests the Trademark Trial and Appeal Board to dismiss the Opposition in its entirety with prejudice, that Application Serial No. 86357567 be allowed to issue as a registration, and that Applicant receive such relief as is just.

Respectfully submitted,

By: /Tally Eitan/
Tally (Avital) Eitan

*Attorney for Applicant,
Vocalzoom Systems Ltd.*

Date: October 19, 2015

CERTIFICATE OF SERVICE

I hereby certify that on the 19th day of October, 2015, I served true and correct copies of the foregoing ANSWER TO NOTICE OF OPPOSITION via first class U.S. Mail and by email on the following:

R. Glenn Schroeder
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/Tally Eitan/
Tally (Avital) Eitan
Attorney for Applicant,
Vocalzoom Systems Ltd.

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OFFENDING COMMAND:

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