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Filing date: **10/21/2015**

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

Proceeding	91223850
Party	Defendant JESCO Lighting Group, LLC
Correspondence Address	JESCO LIGHTING GROUP, LLC JESCO LIGHTING GROUP, LLC 15 Harbor Park Drive Port Washington, NY 11050-4604 PAULIN@JESCOLIGHTING.COM;RKURTZ@JESCOLI
Submission	Answer
Filer's Name	Thomas Adams, attorney for applicant
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Signature	/Thomas Adams/
Date	10/21/2015
Attachments	krz24ans.pdf(14778 bytes)

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

ELEMENTAL LED, INC.,)	
a Nevada corporation,)	
)	
Opposer,)	Opposition No. 91223850
)	Application No. 86367798
v.)	Mark:
)	INFINA DESIGNED FOR
JESCO LIGHTING GROUP, LLC,)	CREATIVITY, BUILT FOR
a Delaware limited liability company)	SOLUTIONS and Design
)	
Applicant.)	
_____)	

APPLICANT'S ANSWER TO OPPOSER'S NOTICE OF OPPOSITION

Applicant, Jesco Lighting Group, LLC, a limited liability company organized under the laws of the State of Delaware, by its attorney hereby responds to the allegations set forth in the Notice of Opposition filed by Elemental LED, Inc., as follows:

1. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 1 of the Notice of Opposition, and therefore, denies said allegations.

2. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 2 of the Notice of Opposition, and therefore, denies said allegations.

3. Applicant denies Opposer is the owner of all common law rights to the INFINILINE Mark, and has insufficient knowledge or information as to the truth of the other allegations set forth in Paragraph 3 of the Notice of Opposition, and therefore, denies said allegations.

4. Applicant admits the allegations set forth in Paragraph 4 of the Notice of Opposition, except that Applicant asserts that it is a limited liability company, organized under the laws of the State of Delaware.

5. Applicant admits the allegations set forth in Paragraph 5 of the Notice of Opposition.

6. Regarding Paragraph 6 of the Notice of Opposition, Applicant denies the Opposer has superior rights, and for the other allegations in that paragraph, Applicant has insufficient knowledge or information as to the truth of these other allegations, and therefore, denies said allegations.

7. Applicant denies the allegations set forth in Paragraph 7 of the Notice of Opposition.

8. Applicant denies the allegations set forth in Paragraph 8 of the Notice of Opposition.

9. Applicant further affirmatively alleges that the prefix "INFIN" is common in the lighting field and cannot be distinctive to the Opposer. Since no other portion of Applicant's mark, INFINA DESIGNED FOR CREATIVITY, BUILT FOR SOLUTIONS and Design, are in any way similar to the Opposer's mark, INFINILINE, there can be no likelihood of confusion. In the lighting field, many third part registrations and uses now exist and have existed of marks incorporating the "INFIN" prefix.

10. Applicant further affirmatively alleges that the Opposer cannot be damaged by the registration of Applicant's mark and Opposer is simply relying on the happenstance of filing its application a mere eight days prior to Applicant's filing. At this time, Opposer's INFINILINE mark has only been in use for approximately a year and a half.

WHEREFORE, Applicant prays that this Opposition be denied and the registration of U.S. Trademark Serial Number 86/367798 be allowed.

Dated as of: October 21, 2015

By: /Thomas Adams/

Thomas Adams
120 Eagle Rock Ave., Suite 130
East Hanover, NJ 07936

Attorney for Applicant,
Jesco Lighting Group, LLC

PROOF OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANT'S ANSWER has been served on Matthew D. Francis, counsel for Opposer, on October 21, 2015, via First Class U.S. Mail, postage prepaid to:

Matthew D. Francis
Brownstein Hyatt Farber Schreck, LLP
5371 Kietzke Lane
Reno, Nevada 89511
UNITED STATES

By: /Thomas Adams/
Thomas Adams