

ESTTA Tracking number: **ESTTA747486**

Filing date: **05/19/2016**

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

Proceeding	91226857
Party	Defendant POA Group LLC
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Date	05/19/2016
Attachments	764-2 Answer.pdf(559819 bytes)

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

TAO LICENSING LLC)	
)	
Opposer,)	
)	
v.)	Opposition No. 91226857
)	
POA GROUP LLC,)	
)	
Applicant.)	
)	

ANSWER

Applicant POA Group LLC (“Applicant”), through its undersigned counsel, responds in correspondingly numbered paragraphs to the allegations in the Amended Notice of Opposition filed by Opposer Tao Licensing LLC on April 20, 2016 (hereinafter, the “Amended Notice of Opposition”), as follows:

1. Applicant denies the allegations of Paragraph 1 of the Amended Notice of Opposition except Applicant admits that the “Applied-for Services” defined in Paragraph 1 comprises the original recitation of services of Application Serial No. 86/736,663. Applicant has filed a motion to amend in order to delete certain listed services and no longer seeks registration of such services.

2. Applicant admits the allegations of Paragraph 2 of the Amended Notice of Opposition solely to the extent that Applicant has disclaimed an exclusive right to use “Asian Fusion” apart from the mark as shown in Application Serial No. 86/736,663.

3. Applicant admits the allegations of Paragraph 3 of the Amended Notice of Opposition.

4. Applicant admits that Opposer Tao Licensing LLC filed an extension of time to oppose Application Serial No. 86/736,663. The remaining allegations of Paragraph 4 of the Amended Notice of Opposition contain legal conclusions to which no response is required.

5. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 5 of the Amended Notice of Opposition and accordingly denies the same.

6. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 6 of the Amended Notice of Opposition and accordingly denies the same.

7. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 7 of the Amended Notice of Opposition and accordingly denies the same.

8. Applicant is without information or knowledge sufficient to form a belief as to the truth of the allegations of Paragraph 8 of the Amended Notice of Opposition and accordingly denies the same. Paragraph 8 of the Amended Notice of Opposition also contains legal conclusions to which no response is required.

9. Applicant admits the allegations of Paragraph 9 of the Amended Notice of Opposition insofar as the U.S. Patent and Trademark Office's TESS database reflects Opposer Tao Licensing LLC as the record owner of Reg. Nos. 2,472,393 and 3,770,321. Applicant is without information or knowledge sufficient to form a belief as to the truth of the remaining

allegations of Paragraph 9 of the Amended Notice of Opposition and accordingly denies the same.

10. Paragraph 10 of the Amended Notice of Opposition contains legal conclusions to which no response is required.

11. Applicant admits the allegations of Paragraph 11 of the Amended Notice of Opposition insofar as the Applicant's first date of use for its Class 43 services is July 10, 2015.

12. The allegations contained in Paragraph 12 of the Amended Notice of Opposition concerning "rights" are too vague to enable Applicant to formulate a response thereto.

13. Paragraph 13 of the Amended Notice of Opposition contains legal conclusions to which no response is required.

14. Applicant incorporates its responses to Paragraphs 1-13 set forth above as if fully set forth herein in response to Paragraph 14 of the Amended Notice of Opposition.

15. Applicant denies the allegations of Paragraph 15 of the Amended Notice of Opposition.

16. Applicant admits the allegations of Paragraph 16 of the Amended Notice of Opposition insofar as Applicant disclaimed an exclusive right to use the terms "ASIAN" and "FUSION" apart from the mark in Application Serial No. 86/736,663. The remaining allegations in Paragraph 16 of the Amended Notice of Opposition contain legal conclusions to which no response is required.

17. Applicant denies the allegations of Paragraph 17 of the Amended Notice of Opposition.

18. Applicant admits the allegations of Paragraph 18 of the Amended Notice of Opposition insofar as TOA appears in a substantially larger font and has more stylization than

the remaining terms in the mark subject to Application Serial No. 86/736,663. The remaining allegations of Paragraph 18 of the Amended Notice of Opposition contain legal conclusions to which no response is required.

19. Applicant denies the allegations of Paragraph 19 of the Amended Notice of Opposition.

20. Paragraph 20 of the Amended Notice of Opposition contains legal conclusions to which no response is required.

21. Applicant denies the allegations of Paragraph 21 of the Amended Notice of Opposition.

22. Applicant denies the allegations of Paragraph 22 of the Amended Notice of Opposition.

23. Applicant denies the allegations of Paragraph 23 of the Amended Notice of Opposition.

24. Applicant denies the allegations of Paragraph 24 of the Amended Notice of Opposition.

25. Applicant incorporates its responses to Paragraphs 1-24 set forth above as if fully set forth herein in response to Paragraph 25 of the Amended Notice of Opposition.

26. Applicant denies the allegations of Paragraph 26 of the Amended Notice of Opposition.

27. Applicant denies the allegations of Paragraph 27 of the Amended Notice of Opposition.

28. Applicant incorporates its responses to Paragraphs 1-27 set forth above as if fully set forth herein in response to Paragraph 28 of the Amended Notice of Opposition

29. Applicant admits the allegations of Paragraph 29 of the Amended Notice of Opposition insofar as Applicant currently operates a restaurant located at 369 Huntington Avenue, New York, NY 11743. Applicant further admits that Ex. A includes excerpts from Applicant's website.

30. Applicant denies the allegations of Paragraph 30 of the Amended Notice of Opposition except admits that Applicant's Website specifies that Applicant provides a restaurant which prepares food that combines the essence of Japanese, Chinese, Korean, Thai, Malaysian and Vietnamese cuisine.

31. The allegations contained in Paragraph 31 of the Amended Notice of Opposition are too vague to enable Applicant to formulate a response thereto.

32. Applicant denies the allegations of Paragraph 32 except Applicant admits that Applicant did not have actual use in commerce of the TOA Asian Fusion mark subject to Application Serial No. 86/736,663 for the services in Classes 35 and 36 and certain services in Class 43 as of the filing date. Applicant has filed a motion to amend in order to delete certain listed services and amend the bases of the services in Classes 35 and 36 to intent-to-use under Section 1(b).

33. The allegations contained in Paragraph 33 of the Amended Notice of Opposition are too vague to enable Applicant to formulate a response thereto.

34. Applicant admits the allegations contained in Paragraph 34 of the Amended Notice of Opposition insofar as the original recitation of services of Application Serial No. 86/736,663 recites "consulting in the field of restaurant menu development", "Frozen yogurt shop services in the nature of a restaurant", "Hotel, bar and restaurant services", "Hotel, motel, restaurant, bar and catering services", "Hotel, restaurant and bar services", "Hotel, restaurant and

catering services”, “Ice cream shop services in the nature of a restaurant”, “Mobile restaurant services” and “Providing reviews of restaurants”. The remaining allegations contained in Paragraph 34 of the Amended Notice of Opposition are too vague to enable Applicant to formulate a response thereto.

35. Applicant denies the allegations of Paragraph 35 except Applicant admits that Applicant did not have actual in commerce of the TOA Asian Fusion mark subject to Application Serial No. 86/736,663 for the services in Classes 35 and 36 and certain services in Class 43 as of the filing date. Applicant has filed a motion to amend in order to delete certain listed services and amend the bases of the services in Classes 35 and 36 to intent-to-use under Section 1(b).

36. Applicant denies the allegations of Paragraph 36 of the Amended Notice of Opposition.

AFFIRMATIVE DEFENSES


1. Opposer Tao Licensing LLC's mark TAO is a well-known term that means “way of life” which has a totally disparate appearance, sound and connotation as compared to the Applicant's mark which includes the acronym TOA for the phrase “Taste of Asia” followed by the terms “ASIAN FUSION” all in stylized lettering.

WHEREFORE, Applicant prays that the present Amended Notice of Opposition be dismissed in its entirety and with prejudice, that the application be issued for all of the classes of services specified therein, and that it be granted such other relief as deemed proper and just.

Respectfully submitted,

POA GROUP LLC

May 19, 2016
Melville, New York

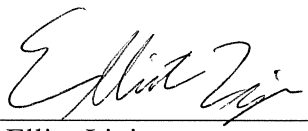
By: 

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CERTIFICATE OF SERVICE

It is hereby certified that on May 19, 2016, a true copy of the foregoing ANSWER is being served by first-class mail, postage prepaid, to attorneys for Opposer, at the following address:

Howard J. Shire, Esq.
Kenyon & Kenyon LLP
One Broadway
New York, NY 10004

By: 
Elliot Lipins