

ESTTA Tracking number: **ESTTA760530**

Filing date: **07/26/2016**

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

Proceeding	91227911
Party	Defendant 1601054 Alberta Ltd
Correspondence Address	Theodore A. Breiner BREINER & BREINER, L.L.C. 115 North Henry Street Alexandria, VA 22314 UNITED STATES tbreiner@bbpatlaw.com
Submission	Answer
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Date	07/26/2016
Attachments	6-Answer.pdf(40556 bytes)

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

Elite IT Partners, Inc.,)
)
 Opposer,)
)
 v.) Opposition No. 91227911
)
)
) USSN 86/145,088
1601054 Alberta LTD,) Mark: ELITEPARTNER
)
)
) Applicant.

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ANSWER

Applicant 1601054 Alberta LTD ("applicant")
answers opposer Elite IT Partners, Inc.'s ("opposer")
opposition as follows:

1. Applicant is without knowledge or information
sufficient to form a belief as to the truth of the
allegations of paragraph 1, and, therefore, the allegations
of paragraph 1 are denied.

2. Applicant is without knowledge or information
sufficient to form a belief as to the truth of the
allegations of paragraph 2, and, therefore, the allegations
of paragraph 2 are denied.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3, and, therefore, the allegations of paragraph 3 are denied.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4, and, therefore, the allegations of paragraph 4 are denied.

5. Admitted that applicant filed Application Serial No. 86/145,088 on December 16, 2013 for the trademark ELITEPARTNER and that the application is the best evidence and speaks for itself. The remainder of the allegations of paragraph 5 are denied.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 6, and, therefore, the allegations of paragraph 6 are denied.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 7, and, therefore, the allegations of paragraph 7 are denied.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 8, and, therefore, the allegations of paragraph 8 are denied.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9, and, therefore, the allegations of paragraph 9 are denied.

10. Admitted.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 11, and, therefore, the allegations of paragraph 11 are denied.

12. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 12, and, therefore, the allegations of paragraph 12 are denied.

13. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 13, and, therefore, the allegations of paragraph 13 are denied.

14. Denied.

15. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 15, and, therefore, the allegations of paragraph 15 are denied.

16. Applicant is without knowledge or information sufficient to form a belief as to the truth of the

allegations of paragraph 16, and, therefore, the allegations of paragraph 16 are denied.

17. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 17, and, therefore, the allegations of paragraph 17 are denied.

18. Applicant denies all allegations not specifically admitted, denied, controverted or otherwise addressed in the above opposition.

19. Applicant denies that opposer is entitled to any of the relief requested in the opposition and the opposition should be dismissed with prejudice.

Affirmative Defenses

1. The opposition fails to state a claim upon which relief can be granted.

2. Applicant is the owner of and is entitled to exclusive use and registration of the trademark ELITEPARTNER for the goods and services identified in Application Serial No. 86/145,088.

3. Opposer is entitled to no relief as claimed in the opposition on the ground that opposer has not been and will not be damaged by applicant's use and registration of the trademark ELITEPARTNER as applied for in Application Serial No. 86/145,088.

4. On information and belief, opposer has no trademark rights in the name ELITE IT PARTNERS as the name has not been used as a service mark as referenced in Application Serial No. 86/716,651 and/or any such rights have been abandoned.

5. On information and belief, applicant has superior rights in the trademark ELITEPARTNER as opposed to the rights in the alleged trademarks pleaded by opposer.

WHEREFORE, applicant prays that the opposition be dismissed with prejudice.

Respectfully submitted,

1601054 ALBERTA LTD

By: /s/Theodore A. Breiner
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July 26, 2016

Attorneys for Applicant

CERTIFICATE OF SERVICE

It is hereby certified that on this 26th day of
July, 2016, a true copy of the foregoing paper entitled-

ANSWER

was served by First Class Mail, postage prepaid on -

Brian J. Riddle
FABAIN VANCOTT PC
215 South State Street, Suite 1200
Salt Lake City, Utah 84111

/s/Theodore A. Breiner
THEODORE A. BREINER