

ESTTA Tracking number: **ESTTA837077**

Filing date: **08/02/2017**

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

Proceeding	91228756
Party	Defendant FON Wireless Limited
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Submission	Answer
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Date	08/02/2017
Attachments	91228756 - ANSWER.pdf(106549 bytes)

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

-----X		
Fonality, Inc.,)	
)	
Opposer,)	
)	
)	Opposition No.
)	91228756
v.)	
)	Serial No. 79/124,000
FON Wireless Limited,)	Mark: FON + Design
)	
)	
Applicant)	
)	
-----X)	

ANSWER AND AFFIRMATIVE DEFENSES

Applicant, FON Wireless Limited, hereby files this ANSWER AND AFFIRMATIVE DEFENSES to the Notice of Opposition, and states the following:

1. Applicant has insufficient knowledge to admit or deny the allegations in paragraph 1 of this Opposition.
2. Applicant admits the allegations in paragraph 2 of this Opposition.
3. Applicant has insufficient knowledge to admit or deny the allegations in paragraph 3 of this Opposition.
4. Applicant has insufficient knowledge to admit or deny the allegations in paragraph 4 of this Opposition.

5. Applicant has insufficient knowledge to admit or deny the allegations in paragraph 5 of the Notice of Opposition.
6. Applicant admits the allegations in paragraph 6 of the Notice of Opposition.
7. Applicant admits the allegations in paragraph 7 of the Notice of Opposition, but denies that Opposer has rights enforceable in those registrations and marks.
8. Applicant admits the allegations in paragraph 8 of the Notice of Opposition.
9. Applicant admits the allegations in paragraph 9 of the Notice of Opposition.
10. Applicant denies the allegations in paragraph 10 of the Notice of Opposition.
11. Applicant denies the allegations in paragraph 11 of the Notice of Opposition.
12. Applicant denies the allegations in paragraph 12 of the Notice of Opposition.
13. Applicant denies the allegations in paragraph 13 of the Notice of Opposition.
14. Applicant denies the allegations in paragraph 14 of the Notice of Opposition.
15. Applicant denies the allegations in paragraph 15 of the Notice of Opposition.
16. Applicant denies the allegations in paragraph 16 of the Notice of Opposition.
17. Applicant denies the allegations in paragraph 17 of the Notice of Opposition.
18. Applicant denies the allegations in paragraph 18 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

19. On information and belief, and based on U.S. Patent and Trademark Office records, Opposer is estopped from asserting a likelihood of confusion between the marks due to Opposer having taking a contrary position on two previous

occasions. More specifically, during prosecution, Opposer argued against a likelihood of confusion between the parties as part of its response to an Office Action for the Registration Numbers 4,625,191, 4,534,818, 4,564,472, and 4,565,440. In addition, Opposer filed an Answer on August 27, 2012 in Opposition Number 91206144 in which it denies all allegations that there is a likelihood of confusion between Opposer's now registered marks and the Applicant's prior registrations.

WHEREFORE, Applicant respectfully requests that the OPPOSITION be dismissed.

FON Wireless Limited



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Attorneys for Applicant: FON Wireless Limited

Date: August 2, 2017

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the forgoing ANSWER AND AFFIRMATIVE DEFENSES has this 2ND day of August 2017 been sent by prepaid First Class Mail to:

**Joel N. Bock
Dentons US LLP
P.O. Box #061080
Chicago, IL 60606-1080**


Sara M. Dorchak