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

Proceeding	91230310
Party	Defendant White Gold LLC
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Submission	Answer
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Date	11/27/2016
Attachments	White Pearl Answer Nov. 27.pdf(140767 bytes )

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

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The Burton Corporation,

Opposer,

v.

White Gold LLC,

Applicant.

Opposition No.: 91230310

Mark: WP WHITEPEARL and Design

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**ANSWER TO NOTICE OF OPPOSITION**

Applicant, White Gold LLC, (“Applicant”), by and through its undersigned counsel, hereby answers and asserts affirmative defenses to the Notice of Opposition filed by Opposer, The Burton Corporation (“Opposer”) and given Opposition No. 91230310 by the United States Patent and Trademark Office (the “Opposition”), as follows:

**GENERAL DENIAL**

Applicant denies each and every allegation, matter, or thing contained in the Opposition which is not expressly admitted, qualified, or answered herein.

**INTRODUCTORY PARAGRAPH**

Applicant denies the allegation in the introductory unnumbered paragraph of the Opposition that Opposer will be damaged by the registration of the WP WHITEPEARL and Design mark, App. No. 86/807,337. Applicant admits that it filed Trademark Application Serial No. 86/807,337.

Applicant admits that it is a California limited liability company. For the remaining allegations,

Application is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations and therefore denies each and every allegation not expressly admitted.

INDIVIDUAL ALLEGATIONS

Applicant hereby responds, solely for the purpose of this proceeding, to each of the grounds set forth in the Opposition, as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 1 of the Opposition and therefore denies each and every allegation set forth therein.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 2 of the Opposition and therefore denies each and every allegation set forth therein.

3. Applicant admits the allegations in paragraph 3.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 4 of the Opposition and therefore denies each and every allegation set forth therein.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 5 of the Opposition and therefore denies each and every allegation set forth therein.

COUNT 1

6. Applicant denies the allegations in paragraph 6 of the Opposition.

COUNT 2

7. Applicant denies the allegations made in Paragraph 7 of the Opposition.

As for Affirmative Defenses, Applicant states as following:

AFFIRMATIVE DEFENSES

8. Opposer has failed to state a claim upon which relief can be granted as it has not sufficiently plead the elements of a “lack of bona-fide” use claim.

9. Applicant reserves the right to rely on such other and further defenses as may be supported by facts to be determined through full and complete discovery and to amend its Answer to assert such defenses.

Respectfully submitted,



By:  
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CERTIFICATE OF SERVICE

I hereby certify that true copies of the Answer to Notice of Opposition were deposited as First-Class Mail with the United States Postal Service on November 27, 2016 to the Opposer at the following address:

Peter Kunin  
Downs Rachlin Martin PLLC  
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By:



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