

ESTTA Tracking number: **ESTTA920560**

Filing date: **09/06/2018**

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

Proceeding	91230971
Party	Defendant Captain William G. MacDonald
Correspondence Address	THOMAS W COLE ROBERTS MLOTKOWSKI SAFRAN & COLE PC 7918 JONES BRANCH DR STE 500 MC LEAN, VA 22102-3366 UNITED STATES tcole@rpsc2.com, trademarks@rpsc2.com, jgreger@rpsc2.com, tcole@rpsc1aw.com 703-677-3001
Submission	Answer
Filer's Name	Jeffrey H. Greger
Filer's email	jgreger@rpsc2.com, trademarks@rpsc2.com, tcole@rpsc2.com, dmas- ters@loeb.com, mjobs@loeb.com, chdocket@loeb.com, skunzen- dorf@loeb.com
Signature	/jhg/
Date	09/06/2018
Attachments	Answer to Opposition 91230971 .pdf(53292 bytes)

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

Proceeding No.	91230971
Filing Party	Defendant Captain William G. MacDonald
Other Party	Plaintiff The East India Company Holdings Pte Ltd.
Mark:	THE BRITISH EAST INDIA COMPANY

ANSWER TO NOTICE OF OPPOSITION

Defendant Captain William G. MacDonald (Defendant) for its answer to the Notice of Opposition filed by The East India Company Holdings Pte Ltd. (Plaintiff) against the application for registration of Defendant's trademark, published in the Official Gazette of July 5, 2016 pleads and avers as follows:

Defendant notes that an Answer to this Opposition was due on September 5, 2018, and the Answer herein is being filed today on September 6, 2018. No notice of default has been issued. Defendant's delay was inadvertent. The parties communicated and agreed to a further extension of time of answer, discovery and trial periods for 90 days in view of ongoing discussions to resolve the matter and obviate need for a formal Answer. The delay of one day will not prejudice Plaintiff.

In the unlikely event the parties do not resolve the matter and it requires a defense, the Defendant has a meritorious defense. A motion for extension of time for settlement for 90 days with a consent is filed concurrently herewith. The Board need not issue a new trial schedule.

1. Defendant has insufficient information to affirm or deny, therefore denied.
2. Affirmed.
3. Affirmed.
4. Defendant has insufficient information to affirm or deny, therefore denied.
5. Affirmed.

6. Affirmed.
7. Defendant has insufficient information to affirm or deny, therefore denied.
8. Admitted and clarified, no such consent or permission is required.
9. Defendant has insufficient information to affirm or deny, therefore denied.
10. Defendant has insufficient information to affirm or deny, therefore denied
11. Defendant has insufficient information to affirm or deny, therefore denied.
12. Defendant incorporates by references it responses to paragraphs 1-11
13. Affirmed.
14. Denied.
15. Denied.
16. Defendant incorporates by references it responses to paragraphs 1-15.
17. Affirmed.
18. Affirmed.
19. Defendant has insufficient information to admit or deny, the allegation is a legal conclusion, therefore denied.
20. Defendant has insufficient information to admit or deny, the allegation is a legal conclusion, therefore denied.
21. Defendant has insufficient information to admit or deny, the allegation is a legal conclusion, therefore denied.

WHEREFORE, Applicant prays as follows:

- (a) this Opposition be dismissed with prejudice; and
- (b) Registration for the Defendant's mark be issued.

Dated: September 6, 2018

Respectfully submitted,
/jhg/

Opposition Proceeding no. 91230971

Jeffrey H. Greger
Attorneys for Defendant
Roberts Mlotkowski Safan Cole & Calderon P.C.
7918 Jones Branch Drive, Suite 500, McLean VA 22102
703-584-3270
703-848-2981
jgreger@rmsclaw.com
trademarks@rmsclaw.com

Certificate of Service

The undersigned hereby certifies that a copy of this filing has been served upon all parties, at their address of record by Email on this date.

/Iryna Ridchenko/