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

Proceeding	91231527
Party	Defendant Acorda Therapeutics, Inc
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Date	01/10/2017
Attachments	Answer to Notice of Opposition - ZORBIMAX.pdf(182057 bytes)

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

IROKO PROPERTIES INC.,	:	
	:	
Opposer	:	Opposition No. 91231527
	:	
v.	:	Mark: ZORBIMAX
	:	
	:	Application Serial No. 86/767040
	:	
ACORDA THERAPEUTICS, INC.	:	Published in <i>Official Gazette</i>: September 13, 2016
	:	
Applicant	:	Filed: September 24, 2015

**ANSWER OF APPLICANT ACORDA THERAPEUTICS, INC. TO
NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES**

Applicant, Acorda Therapeutics, Inc. (“Applicant”), through counsel, hereby responds to the Notice of Opposition of Opposer, Iroko Properties Inc. (“Opposer”), as follows:

1. Applicant lacks sufficient knowledge and information to form a belief as to the truth or falsity of the allegations contained in Paragraph 1 and, therefore, denies the allegations. By way of further response, the allegations of Paragraph 1 contain conclusions of law to which no response is required. To the extent any response is required, the allegations are denied.

2. Applicant admits only that the records for U.S. Registration No. 4,505,759 speak for themselves. Applicant otherwise lacks sufficient knowledge and information to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 2 and, therefore, denies the allegations. By way of further response, the allegations of Paragraph 2

contain conclusions of law to which no response is required. To the extent any response is required, the allegations are denied.

3. Applicant admits only that Exhibit 1 to Opposer's Notice of Opposition appears to be printouts taken from the U.S. Patent and Trademark Office's Trademark Electronic Search System (TESS) and Assignments websites. Applicant otherwise lacks sufficient knowledge and information to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 3 and, therefore, denies the allegations. To the extent any response is required, the allegations are denied.

4. Applicant admits only that Exhibit 2 appears to be a printout taken from the website, www.zorvolex.com. Applicant lacks sufficient knowledge and information to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 4 and, therefore, denies the allegations. By way of further response, the allegations of Paragraph 4 contain conclusions of law to which no response is required. To the extent any response is required, the allegations are denied.

5. Applicant admits only the records for U.S. Registration No. 4,505,759 speak for themselves. To the extent any response is required, the allegations are denied.

6. Applicant lacks sufficient knowledge and information to form a belief as to the truth or falsity of the allegations contained in Paragraph 6 and, therefore, denies the allegations. By way of further response, the allegations of Paragraph 6 contain conclusions of law to which no response is required. To the extent any response is required, the allegations are denied.

7. Admitted.

8. Admitted.

9. The allegations of Paragraph 9 contain conclusions of law to which no response is required. To the extent any response is required, the allegations are denied.

10. The allegations of Paragraph 10 contain conclusions of law to which no response is required. To the extent any response is required, the allegations are denied.

11. The allegations of Paragraph 11 contain conclusions of law to which no response is required. To the extent any response is required, the allegations are denied.

12. Applicant admits only that the terms Zorbimax and Zorvolex each begin with the letters ZOR. To the extent any additional response is required, the allegations are denied.

13. Applicant admits only that the terms Zorbimax and Zorvolex each end with the letter X. To the extent any additional response is required, the allegations are denied.

14. Applicant admits only that it would appear the terms Zorbimax and Zorvolex each would have three syllables. To the extent any additional response is required, the allegations are denied.

15. Applicant lacks sufficient knowledge and information to form a belief as to the truth or falsity of the allegations contained in Paragraph 15 and, therefore, denies the allegations.

16. Applicant lacks sufficient knowledge and information to form a belief as to the truth or falsity of the allegations contained in Paragraph 16 and, therefore, denies the allegations.

17. Applicant lacks sufficient knowledge and information to form a belief as to the truth or falsity of the allegations contained in Paragraph 17 and, therefore, denies the allegations.

18. Applicant lacks sufficient knowledge and information to form a belief as to the truth or falsity of the allegations contained in Paragraph 18 and, therefore, denies the allegations. By way of further response, the allegations of Paragraph 18 contain conclusions of law to which no response is required. To the extent any response is required, the allegations are denied.

19. Applicant lacks sufficient knowledge and information to form a belief as to the truth or falsity of the allegations contained in Paragraph 19 and, therefore, denies the allegations.

COUNT 1 – LIKELIHOOD OF CONFUSION

20. The allegations of Paragraph 20 contain conclusions of law to which no response is required. To the extent any response is required, the allegations are denied.

21. The allegations of Paragraph 21 contain conclusions of law to which no response is required. To the extent any response is required, the allegations are denied.

22. The allegations of Paragraph 22 contain conclusions of law to which no response is required. To the extent any response is required, the allegations are denied.

23. The allegations of Paragraph 23 contain conclusions of law to which no response is required. To the extent any response is required, the allegations are denied.

24. The allegations of Paragraph 24 contain conclusions of law to which no response is required. To the extent any response is required, the allegations are denied.

25. The allegations of Paragraph 25 contain conclusions of law to which no response is required. To the extent any response is required, the allegations are denied.

FIRST AFFIRMATIVE DEFENSE

Opposer has failed to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Applicant reserves the right to raise additional affirmative defenses and to supplement those asserted herein upon discovery of further information and investigation into the Opposer's claims.

WHEREFORE, Applicant demands that judgment be entered for the Applicant and against Opposer, and that the Notice of Opposition be dismissed, with prejudice.

Respectfully submitted,

DATE: January 10, 2017

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CERTIFICATE OF SERVICE

I, Sean P. McConnell, hereby certify that on January 10, 2017, a true and correct copy of the foregoing Answer of Applicant Acorda Therapeutics, Inc. to Notice of Opposition and Affirmative Defenses was served via Email and U.S. First Class Mail, postage prepaid, upon the following:

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