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

Proceeding	91232362
Party	Defendant Alan Caviness
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

UNIVERSITY OF NORTH CAROLINA AT CHAPEL HILL,)	
)	
Opposer,)	In the Matter of Application Serial No. 87/022469 Mark: I BLEED CAROLINA BLUE
)	
v.)	
)	Opposition No. 91232362
)	
ALAN CAVINESS,)	
)	
Applicant.)	

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Applicant, Alan Caviness (“Applicant” or “Caviness”), hereby replies to the numbered grounds for opposition set forth in Opposer’s Notice of Opposition as follows:

1. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 1 of the Notice of Opposition and, therefore, denies those allegations.

2. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 2 of the Notice of Opposition and, therefore, denies the allegations.

3. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 3 of the Notice of Opposition and, therefore, denies the allegations.

4. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 4 of the Notice of Opposition and, therefore, denies the allegations.

5. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 5 of the Notice of Opposition and, therefore, denies the allegations.

6. Applicant makes no answer to the allegations in paragraph 6 of the Notice of Opposition to the extent those allegations state legal conclusions rather than facts. Answering further, Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 6 of the Notice of Opposition and, therefore, denies the allegations.

7. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 7 of the Notice of Opposition and, therefore, denies the allegations.

8. Applicant makes no answer to the allegations in paragraph 8 of the Notice of Opposition to the extent those allegations state legal conclusions rather than facts. Answering further, Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 8 of the Notice of Opposition and, therefore, denies the allegations.

9. Applicant makes no answer to the allegations in paragraph 9 of the Notice of Opposition to the extent those allegations state legal conclusions rather than facts. Answering further, Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 9 of the Notice of Opposition and, therefore, denies the allegations.

10. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 10 of the Notice of Opposition and, therefore, denies the allegations.

11. Applicant makes no answer to the allegations in paragraph 11 of the Notice of Opposition to the extent those allegations state legal conclusions rather than facts. Answering further, Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 11 of the Notice of Opposition and, therefore, denies the allegations.

12. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 12 of the Notice of Opposition and, therefore, denies the allegations.

13. Applicant makes no answer to the allegations in paragraph 13 of the Notice of Opposition to the extent those allegations state legal conclusions rather than facts. Answering further, Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 13 of the Notice of Opposition and, therefore, denies the allegations.

14. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 14 of the Notice of Opposition and, therefore, denies the allegations.

15. To the extent any answer is required, Applicant denies the allegations set forth in paragraph 15 of the Notice of Opposition.

16. Applicant makes no answer to the allegations in paragraph 16 of the Notice of Opposition to the extent those allegations state legal conclusions rather than facts. Answering

further, Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 16 of the Notice of Opposition and, therefore, denies the allegations.

17. Applicant makes no answer to the allegations in paragraph 17 of the Notice of Opposition to the extent those allegations state legal conclusions rather than facts. Answering further, Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations set forth in paragraph 17 of the Notice of Opposition and, therefore, denies the allegations.

18. Admitted.

19. Admitted.

20. Admitted.

21. Applicant denies that Opposer will be damaged by registration of U.S. Serial No. 87/022469 for the mark I BLEED CAROLINA BLUE or that Opposer is entitled to any relief.

22. Applicant makes no answer to the allegations in paragraph 22 of the Notice of Opposition to the extent those allegations state legal conclusions rather than facts. Answering further, Applicant denies that Applicant's goods are identical to the goods offered under the University's Marks and/or that there is any likelihood of confusion among consumers that Applicant's goods are licensed, endorsed, or associated in any way with the University.

23. Applicant makes no answer to the allegations in paragraph 23 of the Notice of Opposition to the extent those allegations state legal conclusions rather than facts. Answering further, Applicant admits that it intends to market and sell its goods to students, fans, and alumni of the University. Applicant, however, denies that consumers will be confused and/or that Applicant intends to trade upon the goodwill of the University's Marks.

24. Applicant makes no answer to the allegations in paragraph 24 of the Notice of Opposition to the extent those allegations state legal conclusions rather than facts. Answering further, Applicant denies the allegations set forth in paragraph 24 of the Notice of Opposition.

25. To the extent any answer is required, Applicant denies the allegations set forth in paragraph 25 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

Applicant asserts that the following affirmative defenses bar Opposer's requested relief in its Notice of Opposition.

FIRST AFFIRMATIVE DEFENSE

One or more of Opposer's claims fail to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

One or more of Opposer's claims are barred by the equitable defenses of laches, acquiescence, waiver, or estoppel.

THIRD AFFIRMATIVE DEFENSE

There is no likelihood of confusion, mistake or deception because, *inter alia*, Applicant's mark and the pleaded marks of Opposer are not confusingly similar.

FOURTH AFFIRMATIVE DEFENSE

Applicant's use of the mark I BLEED CAROLINA BLUE is or would be fair and in good faith.

FIFTH AFFIRMATIVE DEFENSE

Applicant hereby reserves the right to and hereby gives notice that it may rely on any other defenses that may become available or appear during discovery, and hereby reserves its right to amend this Answer to assert any such defenses.

WHEREFORE, Applicant requests that the Trademark Trial and Appeal Board dismiss the Notice of Opposition and grant all other appropriate relief to Applicant as it deems just.

February 28, 2017

Respectfully submitted,



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