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

Proceeding	91232639
Party	Defendant TastyMade, LLC
Correspondence Address	NIMA DAROUIAN MESSNER REEVES LLP 1430 WYNKOOP ST STE 300 DENVER, CO 80202  chayes@messner.com
Submission	Answer
Filer's Name	Nima Darouian
Filer's e-mail	ndarouian@messner.com, rhinckley@messner.com, aclaybon@messner.com, jvazquez@messner.com, ipinbox@messner.com
Signature	/Nima Darouian/
Date	04/12/2017
Attachments	Answer to Notice of Opposition tm.pdf(182134 bytes )

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

TasteMade, Inc.,	)	Opposition No. 91/232,639
Opposer,	)	
	)	Serial No. 87/031,386
v.	)	
	)	
TastyMade, LLC	)	
Applicant.	)	
	)	

**ANSWER TO OPPOSITION AND AFFIRMATIVE DEFENSES OF TASTYMADE, LLC**

Applicant TastyMade, LLC (hereinafter “Applicant”), by and through its counsel, hereby files this Answer to the Notice of Opposition filed by TasteMade, Inc. (“Opposer”) and alleges the following affirmative defenses:

**ANSWER**

1. Applicant admits that it filed Application Serial No. 87/031,386 based on its intent to use the TASTYMADE mark for “restaurant services; take out restaurant services; catering services; bar services; providing of food and drink,” but otherwise denies the allegations contained in Paragraph 1 of the Notice of Opposition.
2. Applicant admits that Application Serial No. 87/031,386 was published for opposition in the Official Gazette on October 4, 2016, but otherwise lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2 of the Notice of Opposition and accordingly denies these allegations.
3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3 of the Notice of Opposition and accordingly denies these allegations.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4 of the Notice of Opposition and accordingly denies these allegations.
5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5 of the Notice of Opposition and accordingly denies these allegations.
6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6 of the Notice of Opposition and accordingly denies these allegations.
7. Applicant denies the allegations of Paragraph 7 of the Notice of Opposition.
8. Applicant denies the allegations of Paragraph 8 of the Notice of Opposition.
9. Applicant denies the allegations of Paragraph 9 of the Notice of Opposition.
10. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 10 of the Notice of Opposition and accordingly denies these allegations.
11. Applicant denies the allegations of Paragraph 11 of the Notice of Opposition.
12. Applicant denies the allegations of Paragraph 12 of the Notice of Opposition.
13. Applicant denies the allegations of Paragraph 13 of the Notice of Opposition.
14. Applicant denies the allegations of Paragraph 14 of the Notice of Opposition.
15. Applicant denies the allegations of Paragraph 15 of the Notice of Opposition.

**AFFIRMATIVE DEFENSES**

Without admitting or acknowledging that Applicant bears any burden of proof as to any of them, Applicant asserts the following non-exclusive affirmative defenses:

**FIRST AFFIRMATIVE DEFENSE**

(No Likelihood of Confusion)

1. Opposer's Notice of Opposition is not well taken because there is no likelihood of confusion between Opposer's Mark and Applicant's Mark.

**SECOND AFFIRMATIVE DEFENSE**

(Unclean Hands)

2. Opposer has unclean hands and acted in bad faith in filing its Notice of Opposition.

**THIRD AFFIRMATIVE DEFENSE**

(Abandonment)

3. The Notice of Opposition and the relief sought therein are barred by the abandonment and loss of Opposer's alleged rights due to the failure to police its alleged marks.

WHEREFORE, Applicant respectfully requests that Opposer's Opposition be dismissed with prejudice, together with whatever other relief the Board may deem appropriate, and that the Application move forward to registration forthwith.

Respectfully submitted,



Dated: April 12, 2017

By: \_\_\_\_\_  
Nima Darouian (ndarouian@messner.com)  
Robert B. Hinckley, Jr. (rhinckley@messner.com)  
Allan Claybon (aclaybon@messner.com)  
Messner Reeves LLP  
11620 Wilshire Blvd., Suite 500  
Los Angeles, CA 90025

Jesús M. Vázquez (jvazquez@messner.com)  
Messner Reeves LLP  
1430 Wynkoop St., Suite 300  
Denver, CO 80202

Attorneys for Applicant

**CERTIFICATE OF SERVICE**

I hereby certify that a true and copy of the foregoing Answer to Notice of Opposition has been served on April 12, 2017, via email, to the following addresses:

Connie L. Ellerbach  
FENWICK & WEST LLP  
801 California Street  
Mountain View, CA 94041  
[trademarks@fenwick.com](mailto:trademarks@fenwick.com)  
[CEllerbach@fenwick.com](mailto:CEllerbach@fenwick.com)



By: \_\_\_\_\_  
Nima Darouian