

ESTTA Tracking number: **ESTTA812517**

Filing date: **04/10/2017**

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

Proceeding	91233199
Party	Defendant VolkerWessels Intellectuele Eigendom B.V..
Correspondence Address	LAWRENCE E. ABELMAN ABELMAN, FRAYNE & SCHWAB 666 THIRD AVENUE NEW YORK, NY 10017-5621 docket@lawabel.com, leabelman@lawabel.com
Submission	Answer
Filer's Name	Julie B. Seyler
Filer's e-mail	JBSeyler@lawabel.com, Rdahl@lawabel.com
Signature	/Julie B. Seyler/
Date	04/10/2017
Attachments	VOLKSWAGEN V WOLKERWESSEL - APPLNT ANSWER TO OPPOSITION - 4-10-17.pdf(137193 bytes)

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

Volkswagen Aktiengesellschaft

Opposer

v.

Volkerwessels Intellectuele Eigendom B.V.

Applicant

Opposition No. 91233199

APPLICANT'S ANSWER TO THE OPPOSITION

1. Applicant has insufficient information as to the allegations set forth in Paragraph 1 and therefore denies same.
2. Applicant has insufficient information as to the allegations set forth in Paragraph 2 and therefore denies same.
3. Applicant has insufficient information as to the allegations set forth in Paragraph 3 and therefore denies same.
4. Applicant has insufficient information as to the allegations set forth in Paragraph 4 and therefore denies same.
5. Applicant has insufficient information as to the allegations about Opposer's use and filing dates in Paragraph 5 and therefore denies same.
6. Applicant has insufficient information as to the allegations set forth in Paragraph 6 and therefore denies same.
7. Applicant has insufficient information as to the allegations set forth in Paragraph 7 and therefore denies same.
8. Applicant denies Paragraph 8.
9. Applicant denies Paragraph 9.
10. Applicant denies Paragraph 10.

11. Applicant has insufficient information as to the allegations set forth in Paragraph 11 and therefore denies same.

12. Applicant admits Paragraph 12.

13. Applicant admits Paragraph 13.

14. Applicant has insufficient information as to Opposer's use and registration and allegations related thereto set forth in Paragraph 14 and therefore denies same.

15. Applicant denies Paragraph 15.

16. Applicant admits Paragraph 16.

17. Applicant denies Paragraph 17.

18. Applicant denies Paragraph 18.

19. Applicant incorporates its responses to Paragraphs 1-18 in their entirety as if fully set forth herein.

20. Applicant admits Paragraph 20.

21. Applicant denies Paragraph 21.

22. Applicant has insufficient information as to Opposer's use of Opposer's trademark and therefore denies same.

23. Applicant denies Paragraph 23.

24. Applicant denies Paragraph 24.

25. Applicant incorporates its responses to Paragraphs 1-24 in their entirety as if fully set forth herein.

26. Applicant has insufficient information as to the allegations set forth in Paragraph 26 and therefore denies same.

27. Applicant denies Paragraph 27.

28. Applicant denies Paragraph 28.

29. Applicant admits Paragraph 29.

30. Applicant denies Paragraph 30.

31. Applicant denies Paragraph 31.

32. Applicant incorporates its responses to Paragraphs 1-31 in their entirety as if fully set forth herein.

33. Applicant denies Paragraph 33.

35. Applicant denies Paragraph 35.

36. Applicant denies Paragraph 36.

37. Applicant denies Paragraph 37.

38. Applicant denies Paragraph 38.

Defenses

39. Applicant's mark is visually and verbally distinguishable from Opposer's marks.

40. Opposer's mark is comprised of two letters and therefore is entitled to a narrow scope of protection.


41. Opposer is not the sole party that is using and has registered a trademark that consists of the letters "VW".

42. Applicant has used the trademark VWS in commerce in the United States for a substantial period of time and there have never been instances of confusion with Opposer's VW marks.

42. The goods and services upon which Applicant intends to use VWS are commercially unrelated to the goods and services upon which Opposer uses VW.

WHEREFORE, it is respectfully requested this Opposition be dismissed with prejudice.

Respectfully submitted,


JULIE B. SEYLER
AIMEE ALLEN


ABELMAN FRAYNE & SCHWAB
666 Third Avenue
New York, New York 10017
212-949-9022

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing **ANSWER TO THE OPPOSITION** was filed by email this 10th day of April, 2017 upon the following:

Stewart L. Gitler, Esq.
Gitler@iplawsolutions.com

WELSH FLAXMAN & GITLER, LLC
2000 Duke Street, Suite 100
Alexandria, VA 22314


JULIE B. SEYLER