

ESTTA Tracking number: **ESTTA895622**

Filing date: **05/09/2018**

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

Proceeding	91233968
Party	Defendant Besurance Corporation
Correspondence Address	BENJAMIN ASHUROV KB ASH LAW GROUP PC 7011 KOLL CENTER PKWY SUITE 160 PLEASANTON, CA 94566 UNITED STATES Email: bashurov@kb-ash.com, pto@kb-ash.com
Submission	Answer
Filer's Name	Benjamin Ashurov
Filer's email	bashurov@kb-ash.com
Signature	/Benjamin Ashurov/
Date	05/09/2018
Attachments	20180509 Answer And Affirmative Defenses.pdf(284104 bytes )

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

*In the matter of:*

Application Serial No. 87/089,945  
International Class: 036  
Mark: BESURANCE CORPORATION  
Published in the Official Gazette on December 13, 2016

Application Serial No. 87/089,957  
International Class: 042  
Mark: BESURANCE CORPORATION  
Published in the Official Gazette on December 13, 2016

**Esurance Insurance Services, Inc.**

Opposer,

V.

**Besurance Corporation,**

Applicant.

Opposition No. 91233968

**Applicant's Answer and Affirmative  
Defenses in Response to Opposer's  
First Amended Consolidated Notice  
of Opposition**

Applicant Besurance Corporation, ("**Applicant**") hereby through counsel submits the following Answer and Affirmative Defenses in response to the First Amended Consolidated Notice of Opposition ("**Amended Notice**") filed by opposer Esurance Insurance Services, Inc. ("**Opposer**").

**Answer and Affirmative Defenses**

1. In response to Paragraph 1 of the Amended Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and therefore DENIES them.

2. In response to Paragraph 2 of the Amended Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and therefore DENIES them.

3. In response to Paragraph 3 of the Amended Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and therefore

DENIES them.

4. In response to Paragraph 4 of the Amended Notice, without admitting their validity Applicant ADMITS that Opposer appears to be the owner of the cited registrations.

5. In response to Paragraph 5 of the Amended Notice, without admitting the validity of the registrations or truthfulness of documents filed in connection therewith, Applicant ADMITS the allegations in this paragraph.

6. In response to Paragraph 6 of the Amended Notice, without admitting the validity of the registrations or truthfulness of documents filed in connection therewith, Applicant ADMITS the allegations in this paragraph.

7. In response to Paragraph 7 of the Amended Notice, without admitting the validity of the registrations or truthfulness of documents filed in connection therewith, Applicant ADMITS the allegations in this paragraph.

8. In response to Paragraph 8 of the Amended Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and therefore DENIES them.

9. In response to Paragraph 9 of the Amended Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and therefore DENIES them.

10. In response to Paragraph 10 of the Amended Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and therefore DENIES them.

11. In response to Paragraph 11 of the Amended Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and therefore DENIES them.

12. In response to Paragraph 12 of the Amended Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and therefore DENIES them.

13. In response to Paragraph 13 of the Amended Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and therefore DENIES them.

14. In response to Paragraph 14 of the Amended Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and therefore DENIES them.

15. In response to Paragraph 15 of the Amended Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and therefore DENIES them.

16. In response to Paragraph 16 of the Amended Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and therefore DENIES them.

17. In response to Paragraph 17 of the Amended Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and therefore DENIES them.

18. In response to Paragraph 18 of the Amended Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and therefore DENIES them.

19. In response to Paragraph 19 of the Amended Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and therefore DENIES them.

20. In response to Paragraph 20 of the Amended Notice, Applicant DENIES the validity of Opposer's alleged rights in the ESURANCE mark. Applicant ADMITS the remaining allegations in this paragraph.

21. In response to Paragraph 21 of the Amended Notice, DENIED.

22. In response to Paragraph 22 of the Amended Notice, DENIED.

23. In response to Paragraph 23 of the Amended Notice, DENIED.

24. In response to Paragraph 24 of the Amended Notice, DENIED.

25. In response to Paragraph 25 of the Amended Notice, Applicant lacks knowledge regarding the validity of Opposer's rights in ESURANCE, and therefore DENIES these allegations. Application ADMITS the remaining allegations in this paragraph.

26. In response to Paragraph 26 of the Amended Notice, DENIED.

27. In response to Paragraph 27 of the Amended Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and therefore DENIES them.

28. In response to Paragraph 28 of the Amended Notice, Applicant ADMITS the quoted goods and services. Applicant DENIES the remaining allegations in this paragraph.

29. In response to Paragraph 29 of the Amended Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth of these allegations, and therefore DENIES them.

30. In response to Paragraph 30 of the Amended Notice, DENIED.

31. In response to Paragraph 31 of the Amended Notice, DENIED.

32. In response to Paragraph 32 of the Amended Notice, DENIED.

33. In response to Paragraph 33 of the Amended Notice, DENIED.

34. In response to Paragraph 34 of the Amended Notice, DENIED.

35. In response to Paragraph 35 of the Amended Notice, DENIED.

#### **AFFIRMATIVE DEFENSES**

36. Opposer's claims are barred in whole or in part by the doctrine of waiver. On October 21, 2014, Applicant filed trademark application Sr. No. 86429752 for the mark BESURANCE ("**752 Application**"), for the same or similar goods and services identified in the applications opposed by Opposer in this proceeding. The '752 Application was published for opposition on March 24, 2015, and was not opposed by the Opposer. Opposer never otherwise objected to the '754 Application or Applicant's intended use of the mark BESURANCE.

37. Opposer's claims are barred in whole or in part by the doctrine of laches. On October 21, 2014, Applicant filed trademark application Sr. No. 86429752 for the mark BESURANCE, for the same or similar goods and services identified in the applications opposed by Opposer in this proceeding. The '752 Application was published for opposition on March 24, 2015, and was not opposed by the Opposer. Opposer never otherwise objected to the '754 Application or Applicant's intended use of the mark BESURANCE.

Dated: May 9, 2018

Respectfully Submitted,

By: \_\_\_\_\_/Benjamin Ashurov/  
Benjamin Ashurov  
Email: Bashurov@kb-ash.com  
Direct: 415.754.9346

**KB ASH LAW GROUP P.C**  
7011 Koll Center Parkway  
Suite 160  
Pleasanton, CA 94566  
415.754.9345  
*Attorneys for Applicant*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **Answer and Affirmative Defenses** has been served on opposing counsel by forwarding said copy on May 9, 2018 via email to:

Jami A. Gekas  
Foley & Lardner LLP  
321 North Clark Street Suite 2800  
Chicago, IL 60654-5313  
UNITED STATES  
jgekas@foley.com  
KCalifa@foley.com

Signature: /Benjamin Ashurov/  
Benjamin Ashurov

Dated: May 9, 2018