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Filing date: **07/06/2017**

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

Proceeding	91234793
Party	Defendant Manufacuras Post Form, S.A. de C.V.
Correspondence Address	EDD VASQUEZ 3929 RAWLINS STREET, B DALLAS, TX 75219 Email: eddvasquez.esq@gmail.com
Submission	Answer
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Date	07/06/2017
Attachments	duraboxanswertonoticeofopposition.pdf(74622 bytes)

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

In the Matter of Trademark Application Serial No. 87175348

Mark: DURABOX and design

Published: February 7, 2017

)	
DIGITAL MARKETING CORP dba DIGITAL BUYER)	
OPPOSER)	
v.)	Opposition No. 91234793
MANUFACTURAS POST FORM S.A. de C.V.)	
APPLICANT)	
)	

ANSWER TO NOTICE OF OPPOSITION

Pursuant to Trademark Rule 2.106, as set forth at 37 C.F.R. § 2.106, applicant, Manufacturas Post Form S.A. de C.V. (“Applicant”) by and through its undersigned counsel, hereby files this Answer to the Notice of Opposition, filed May 30, 2017 (“Notice of Opposition”), by opposer, Digital Marketing Corp dba Digital Buyer (“Opposer”).

In response to the individually numbered paragraphs of the Notice of Opposition, Applicant responds as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 1 of the Notice of Opposition and therefore Applicant denies those allegations.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 2 of the Notice of Opposition and therefore Applicant denies those allegations.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 3 of the Notice of Opposition and therefore Applicant denies those allegations.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 4 of the Notice of Opposition and therefore Applicant denies those allegations.
5. Admitted that Applicant filed on September 19, 2016, claiming date of first use and first use in commerce of August 01, 2016. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Opposers dates of first use and first use in commerce set forth in paragraph 5 of the Notice of Opposition and therefore Applicant denies those allegations.
6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in paragraph 6 of the Notice of Opposition and therefore Applicant denies those allegations.
7. Paragraph 7 contains only conclusions of law that require no answer. To the extent that paragraph 7 recites allegations, such allegations are denied.
8. Paragraph 8 contains only conclusions of law that require no answer. To the extent that paragraph 8 recites allegations, such allegations are denied.

AFFIRMATIVE DEFENSES

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

1. One or more of Opposers' claims fail to state a claim upon which relief may be granted.
2. Applicant hereby gives notice that it may rely on any other defenses that may become available or appear proper during discovery, and hereby reserves its right to amend this Answer to assert any such defenses.

CONCLUSION

WHEREFORE, Applicant respectfully requests that the Trademark Trial and Appeal Board dismiss the Notice of Opposition and enter judgement in favor of the Applicant.

Respectfully Submitted

July 6, 2017

/edd/
Edd Vasquez, Esq.
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CERTIFICATE OF TRANSMITTAL

I hereby certify that a true and correct copy of the following Answer to Notice of Opposition is being filed electronically with the TTAB via ESTTA on July 6, 2017.

/edd/
Edd Vasquez

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing ANSWER has been served on Opposer Digital Marketing Corp dba Digital Buyer by mailing said copy on July 6, 2017, via electronic mail and Certified First Class U.S. Mail, postage prepaid to its counsel of record in this proceeding:

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