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

Proceeding	91236514
Party	Defendant Adams, Michael
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Submission	Answer
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Date	03/15/2018
Attachments	Answer to Notice of Opposition HEMPCHATA 3.15.18 Filing.pdf(73135 bytes)

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

)	
)	
Agave Loco LLC)	
)	
Opposer,)	
)	
v.)	Opposition No. 91236514
)	
Michael Adams)	
)	
Applicants.)	
)	

TTAB
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

ANSWER TO NOTICE OF OPPOSITION

Applicant (“Applicant”), for his answer to the Notice of Opposition filed by Agave Loco LLC (“Opposer”) against application for registration of Applicants’ trademark HEMPCHATA, Serial Number 87185414, filed September 28, 2016, plead and aver as follows:

1. Answering paragraph 1 of the Notice of Opposition, Applicant admits to the allegations contained therein.

2. Answering paragraph 2 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

3. Answering paragraph 3 of the Notice of Opposition, Applicant admits that the USPTO website lists Opposer as the owner of the registrations referenced in paragraph 3 of the Notice of Opposition. Applicant does not have sufficient knowledge or information relating to the validity and accordingly denies allegations concerning the strength and validity of the referenced registrations.
4. Answering paragraph 4 of the Notice of Opposition, Applicant does not have sufficient knowledge or information about Opposer's common law rights to form a belief as to the allegations contained therein and accordingly denies the allegations.
5. Answering paragraph 5 of the Notice of Opposition, Applicant admits that the USPTO website lists Opposer as the owner of the applications referenced in paragraph 5 of the Notice of Opposition. Applicant does not have sufficient knowledge or information relating to the validity and accordingly denies allegations or implications concerning the strength and validity of the referenced applications.
6. Answering paragraph 6 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
7. Answering paragraph 7 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
8. Answering paragraph 8 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.

9. Answering paragraph 9 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
10. Answering paragraph 10 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
11. Answering paragraph 11 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
12. Answering paragraph 12 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the allegations.
13. Answering paragraph 13 of the Notice of Opposition, Applicants admits only that the respective trademarks share the descriptive term CHATA; Applicant denies that the trademarks look or sound similar.
14. Answering paragraph 14 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the uses of Opposer's goods and accordingly denies the allegations.
15. Answering paragraph 15 of the Notice of Opposition, Applicant denies the allegations contained therein.
16. Answering paragraph 16 of the Notice of Opposition, Applicant denies the allegations contained therein.

17. Answering paragraph 17 of the Notice of Opposition, Applicant denies the allegations contained therein.

18. Answering paragraph 18 of the Notice of Opposition, Applicant denies the allegations contained therein.

AFFIRMATIVE DEFENSES

1. The term CHATA is generic or at least merely descriptive of the goods offered by Opposer;
2. The term CHATA in connection with Opposer's goods has not acquired secondary meaning and the term CHATA is no inherently distinctive.
3. The term CHATA is a weak and saturated term used by many third parties to describe goods featuring characteristics of Opposer's goods. Opposer's marks therefore are entitled to a narrow scope of protection and minor differences in the appearance of the trademarks are sufficient to avoid confusion.
4. Opposer has not exclusively used marks containing CHATA in commerce in connection with identical, similar or related goods.

In view of the foregoing, Applicant contends that this opposition is groundless and baseless in fact; that Opposer has not shown wherein it will be, or is likely to be, damaged by the registration of Applicant's trademark; and Applicant prays that this Opposition be dismissed and that Applicant be granted registration of his trademark. Applicant reserve the right to amend his Answer and to assert affirmative or supplemental defenses after completion of further investigation and discovery.

Respectfully submitted,

A handwritten signature in blue ink that reads "Moshe D. Lapin". The signature is written in a cursive style with a horizontal line under the name.

Moshe D. Lapin
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Date: 3/15/18

CERTIFICATE OF ELECTRONIC FILING

I hereby certify that the foregoing Answer to the Notice of Opposition is being submitted electronically through the Trademark Trial and Appeal Board's ESTTA System on this 15th day of March, 2018.

A handwritten signature in blue ink that reads "Moshe D. Lapin". The signature is written in a cursive style with a clear, legible font.

Moshe D. Lapin
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Baltimore, MD 21202
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer to the Notice of Opposition has been served on Opposer by emailing said copy on Opposer's attorney(s) to the following email address(es):

floyd.mandell@kattenlaw.com, carolyn.passen@kattenlaw.com,
julia.mazur@kattenlaw.com, deborah.wing@kattenlaw.com, chi-
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