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Filing date: **11/16/2017**

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

Proceeding	91237356
Party	Defendant Kan, Dexter
Correspondence Address	KAN, DEXTER 3681 HOLLYBERRY DRIVE HUNTINGTOWN, MD 20639 Email: dex20000@comcast.net, notifications@trademarkengine.com
Submission	Answer
Filer's Name	Dexter Kan
Filer's email	dex20000@comcast.net
Signature	/Dexter Kan/
Date	11/16/2017
Attachments	Answer To Notice of Opposition 91237356FILED.pdf(85544 bytes )

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

ROCKET SPORTS, LLC	)	IN THE MATTER OF:
	)	Opposition No.: 91237356
Opposer,	)	
	)	For the mark:
	)	ROCKET MESH
v.	)	
	)	Filed on: March 25, 2017
DEXTER KAN	)	Published: August 22, 2017
	)	International Class: 28
Applicant.	)	

**ANSWER TO NOTICE OF OPPOSITION**

COMES NOW applicant Dexter Kan (“Applicant”) herein answers the above-indicated Notice of Opposition (the “Notice”) brought by Rocket Sports, LLC (“Opposer”) as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Notice, and therefore denies it.
2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 2 of the Notice, and therefore denies it.
3. Applicant avers that the allegations set forth in Paragraph 3 of the Notice call for a legal conclusion, which no response is required. To the extent any response is required, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth therein, and therefore denies it.
4. Admit.
5. Admit.
6. Applicant avers that the allegation set forth in Paragraph 6 of the Notice calls for a legal conclusion, which no response is required. To the extent any response is

required, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegation set forth therein, and therefore denies it.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 7 of the Notice, and therefore denies them.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 8 of the Notice, and therefore denies them.

9. Applicant avers that the allegation set forth in Paragraph 9 of the Notice calls for a legal conclusion, which no response is required. To the extent any response is required, Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegation set forth therein, and therefore denies it.

All allegations of the Notice, whether explicit or implicit and including averments, which require an answer are denied to the extent that those allegations are not expressly and specifically admitted herein. Moreover, pursuant to Rule 8(b)(6) of the Federal Rules of Civil Procedure, allegations of the Notice to which no responsive pleading is required, shall be deemed as denied.

**AFFIRMATIVE DEFENSES, AVOIDANCES, AND ARGUMENTS**

1. FOR A FURTHER, SEPARATE, AND DISTINCT DEFENSE, Applicant is informed and believes, and thereupon alleges, that the Notice was filed without merit and for improper reasons, namely to adversely affect Applicant's application.

2. FOR A FURTHER, SEPARATE, AND DISTINCT DEFENSE, Applicant is informed and believes, and thereupon alleges, that the Notice is fraudulent and was filed to adversely affect Applicant's application.

3. FOR A FURTHER, SEPARATE AND DISTINCT DEFENSE, Applicant alleges it is informed and believes, and based upon such information and belief, that Opposer is barred from seeking any relief herein because third parties have used similar marks for similar goods, thus Opposer's mark is weak and entitled to a narrow scope of protection. **87** records appear when searching the USPTO Database for Live marks in Class 35; **160** records appear if the search is expanded to also include Class 28.

4. FOR A FURTHER, SEPARATE AND DISTINCT DEFENSE, Applicant alleges it is informed and believes, and based upon such information and belief, that Opposer is barred from seeking any relief herein because the channels of trade for the parties' respective goods are dissimilar. Applicant sells new goods and Opposer is a reseller of goods.

5. FOR A FURTHER, SEPARATE AND DISTINCT DEFENSE, Applicant alleges it is informed and believes, and based upon such information and belief, that Opposer is barred from seeking any relief herein because Opposer is currently not using its mark in connection with all of the goods or services, or in all of the trade channels, set forth in its registration.

6. FOR A FURTHER, SEPARATE AND DISTINCT DEFENSE, Applicant alleges it is informed and believes, and based upon such information and belief, that Opposer is barred from seeking any relief herein because Opposer has ceased using its mark in connection with one or more of the goods or services, or in all of the trade channels, set forth in its registration.

7. Applicant alleges that it is informed and believes, and based upon such information and belief, that it may have additional defenses not currently available and that may be available after completion of initial disclosures and discovery, and therefore reserves the right to set forth additional defenses as information becomes available.

WHEREFORE, Applicant prays that this Board find in favor of Applicant, and deny and dismiss with prejudice the Notice.

Dated: November 16, 2017

Respectfully submitted,

By: /Dexter Kan/

Dexter Kan

3681 Hollyberry Drive  
Huntingtown, Maryland 20639

Email: dex20000@comcast.net  
Phone: 240-925-9701

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** has been served on **ROCKET SPORTS, LLC** by forwarding said copy on NOVEMBER 16, 2017, via email to:

Rocket Sports, LLC  
c/o Koda Law Firm [Attorney of Record]  
23219 Stringtown Road #201  
Clarksburg, Maryland 20871  
pwkoda@gmail.com  
Phone: 240-997-1116

By: /Dexter Kan/  
Dexter Kan

Dated: November 16, 2017

**CERTIFICATE OF TRANSMISSION**

I hereby certify that the foregoing **ANSWER TO NOTICE OF OPPOSITION** has been filed electronically with the Trademark Trial and Appeal Board using the Electronic System for Trademark Trials and Appeals (ESTTA) on NOVEMBER 16, 2017.

By: /Dexter Kan/  
Dexter Kan

Date: November 16, 2017