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

Proceeding	91237483
Party	Defendant Imagewear Apparel Corp.
Correspondence Address	Paul J. Kennedy PEPPER HAMILTON LLP Eighteenth and Arch Streets 3000 Two Logan Square Philadelphia, PA 19103-2799 Email: kennedyp@pepperlaw.com, catalant@pepperlaw.com, pearl- maj@pepperlaw.com
Submission	Answer
Filer's Name	Paul J. Kennedy
Filer's email	kennedyp@pepperlaw.com, mcconnells@pepperlaw.com, catalant@pepperlaw.com, pearlmaj@pepperlaw.com
Signature	/Paul J. Kennedy/
Date	11/06/2017
Attachments	Answer to Notice of Opposition - Opp. No. 91237483.pdf(153071 bytes )

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<b>TRUE NORTH GEAR, LLC d/b/a DRAGONWEAR</b>	:	
	:	<b>Opposition No. 91237483</b>
	:	
<b>Opposer</b>	:	<b>Mark:</b>
	:	
<b>v.</b>	:	<b>Serial No. 87/293756</b>
	:	
	:	<b>Filed: January 9, 2017</b>
<b>IMAGEWEAR APPAREL CORP.</b>	:	
	:	
	:	
<b>Applicant</b>	:	

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**ANSWER OF APPLICANT IMAGEWEAR APPAREL CORP.  
TO OPPOSER TRUE NORTH GEAR, LLC  
D/B/A DRAGONWEAR'S NOTICE OF OPPOSITION**

Imagewear Apparel Corp. ("Applicant"), through its counsel, hereby responds to the Notice of Opposition of True North Gear, LLC d/b/a Dragonwear ("Opposer"), as follows:

1. Applicant lacks sufficient knowledge and information to form a belief as to the truth or falsity of the allegations contained in Paragraph 1 and, therefore, denies the allegations. To the extent any response is required, the allegations are denied.

2. Applicant lacks sufficient knowledge and information to form a belief as to the truth or falsity of the allegations contained in Paragraph 2 and, therefore, denies the allegations. By way of further response, the allegations of Paragraph 2 contain conclusions of law to which no response is required. To the extent any other response is required, the allegations are denied.

3. Applicant lacks sufficient knowledge and information to form a belief as to the truth or falsity of the allegations contained in Paragraph 3 and, therefore, denies the

allegations. By way of further response, the allegations of Paragraph 3 contain conclusions of law to which no response is required. To the extent any other response is required, the allegations are denied.

4. Applicant lacks sufficient knowledge and information to form a belief as to the truth or falsity of the allegations contained in Paragraph 4 and, therefore, denies the allegations.

5. Applicant lacks sufficient knowledge and information to form a belief as to the truth or falsity of the allegations contained in Paragraph 5 and, therefore, denies the allegations. By way of further response, the allegations of Paragraph 5 contain conclusions of law to which no response is required. To the extent any other response is required, the allegations are denied.

6. Denied as stated. Applicant admits that it filed U.S. Application Serial No. 87/293756 on January 9, 2017 pursuant to Section 1(a) of the Trademark Act for the mark shown and the goods listed in the allegations of Paragraph 6.

7. Applicant admits the mark it applied for consists of “an irregular polygon patch stitched to the left sleeve of the garment. The dotted lines in the drawing serve to indicate the positioning of the mark in relation to the sleeve and do not form part of the mark” and that its Application was filed under Section 1(a) of the Trademark Act. Applicant lacks sufficient knowledge and information to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 7 and, therefore, denies the allegations. By way of further response, the allegations of Paragraph 7 contain conclusions of law to which no response is required. To the extent any other response is required, the allegations are denied.

8. Applicant admits the content of the file wrapper for the opposed Application speaks for itself. The remaining allegations contained in Paragraph 8 are denied.

9. Applicant lacks sufficient knowledge and information to form a belief as to the truth or falsity of the allegations contained in Paragraph 9 and, therefore, denies the allegations. By way of further response, the allegations of Paragraph 9 contain conclusions of law to which no response is required. To the extent any other response is required, the allegations are denied.

#### **COUNT I**

10. Applicant incorporates by reference its responses to Paragraphs 1–9 above.

11. Denied.

12. Denied.

13. Denied.

#### **COUNT II**

14. Applicant incorporates by reference its responses to Paragraphs 1–13 above.

15. Denied.

16. Denied.

#### **FIRST AFFIRMATIVE DEFENSE**

Opposer has failed to state a claim upon which relief can be granted.

**SECOND AFFIRMATIVE DEFENSE**

Applicant reserves the right to raise additional affirmative defenses and to supplement those asserted herein upon discovery of further information and investigation into the Opposer's claims.

**WHEREFORE**, Applicant demands that judgment be entered for the Applicant and against the Opposer, and that the Notice of Opposition be dismissed, with prejudice.

Respectfully submitted,

Date: November 6, 2017

/Paul J. Kennedy/  
Paul J. Kennedy  
Sean P. McConnell  
PEPPER HAMILTON LLP  
3000 Two Logan Square  
Eighteenth and Arch Streets  
Philadelphia, PA 19103-2799  
Tel.: (215) 981-4100  
Fax: (215) 981-4750  
Email: [kennedyp@pepperlaw.com](mailto:kennedyp@pepperlaw.com)  
[mconnells@pepperlaw.com](mailto:mconnells@pepperlaw.com)

*Attorneys for Applicant,  
Imagewear Apparel Corp.*

**CERTIFICATE OF ESTTA FILING**

I, Paul J. Kennedy, hereby certify that on November 6, 2017, this Answer was electronically filed with the U.S. Patent and Trademark Office Trademark Trial and Appeal Board, P.O. Box 1451, Alexandria VA, 22313, via ESTTA.

/Paul J. Kennedy/

Paul J. Kennedy

**CERTIFICATE OF SERVICE**

I, Paul J. Kennedy, hereby certify that on November 6, 2017, a true and correct copy of the foregoing Answer of Applicant Imagewear Apparel Corp. to Opposer True North Gear, LLC d/b/a Dragonwear's Notice of Opposition was served via Email upon the following:

Richard Alaniz, Esquire  
Darren Jones, Esquire  
LOWE GRAHAM JONES PLLC  
701 Fifth Avenue, Suite 4800  
Seattle, WA 98104  
Email: [Alaniz@lowegramjones.com](mailto:Alaniz@lowegramjones.com)  
[Jones@lowegramjones.com](mailto:Jones@lowegramjones.com)

*Attorneys for Opposer*

/Paul J. Kennedy/  
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Paul J. Kennedy