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

Proceeding	91240410
Party	Defendant Peter-Blair Inc.
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Submission	Answer
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Date	05/14/2018
Attachments	Peter-Blair_TTAB ANSWER_May 14 2018.pdf(73715 bytes)

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

Blair LLC and Blair Holdings Inc.,
Opposers

Mark: PETER-BLAIR

V.

Serial No.: 87527185

Peter-Blair Inc.,
Applicant

Opposition No. 91240410

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Peter-Blair Inc. hereby answers the Notice of Opposition filed by Blair LLC and Blair Holdings, Inc. as follows:

1. Applicant is without sufficient knowledge to assess the accuracy of the averments in Paragraph 1 and on that basis denies Paragraph 1.
2. Applicant admits Paragraph 2.
3. Applicant admits Paragraph 3 only to the extent such information is supported and confirmed by the United States Patent and Trademark Office records.
4. Applicant is without sufficient knowledge to assess the accuracy of the averments in Paragraph 1 and on that basis denies Paragraph 4.
5. Applicant is without sufficient knowledge to assess the accuracy of the averments in Paragraph 5 and on that basis denies Paragraph 5.
6. Applicant admits Paragraph 6 except Applicant denies that the date of first use is January 31, 2001. that the date of first use is December 31, 1993.
7. Applicant denies Paragraph 7.
8. Applicant is without sufficient knowledge to assess the accuracy of the averments in Paragraph 1 and on that basis denies Paragraph 8.
9. Applicant is without sufficient knowledge to assess the accuracy of the averments in Paragraph 9 and on that basis denies Paragraph 9.
10. Denied. Applicant denies allegations that Applicant's mark will result in any likelihood of confusion, mistake, or deception as to the source of origin, sponsorship or approval of Applicant's goods and services in the purchasers or others are likely to believe that Applicant's goods and services are Opposer's, or are in any way legitimately connected with, licensed by, or approved by Opposer.
 - a. Applicant's mark is a strong and distinctive mark, such that no conflicting marks were found by the trademark examiner.
 - b. Applicant's mark is sufficiently different in its entirety to Opposer's mark as to appearance, sound, connotation, and/or commercial impression so as to preclude any likelihood of confusion.
 - c. Goods to be sold by Applicant are sufficiently different from those sold by Opposer so as to preclude any likelihood of confusion.

- d. The consumer markets and trade channels through which Applicant shall sell Applicant's goods are sufficiently different from those of the Opposer so as to preclude any likelihood of confusion.
 - e. Since 1993, Opposer's marks and Applicant's mark have co-existed in the marketplace without actual consumer confusion or mistake as to the source of origin, sponsorship or approval of either party's goods.
11. Applicant is without sufficient knowledge to assess the accuracy of the averments in Paragraph 11.
 12. Applicant denies Paragraph 12.

AFFIRMATIVE DEFENSES

For its further and separate affirmative defenses to the Opposition, Applicant alleges as follows:

Affirmative Defense

1. Opposer's Opposition fails to state a claim upon which the requested relief may be granted.

Affirmative Defense (No likelihood of Confusion)

2. There is no likelihood of confusion and the marks are not confusingly similar.

Affirmative Defense (Reservation)

3. Applicant reserves the right to assert any and all other affirmative defenses which it becomes aware of throughout discovery, testimony, and/or otherwise during the pendency of this matter. Such other affirmative defenses include, but are not limited to, estoppel, collateral estoppel, laches, acquiescence, res judicata, abandonment, fraud, mistake, prior registration, and other defenses which Applicant may become aware of throughout the pendency of this matter.

Dated: May 14, 2018

/Tricia A. Dunlap/
Tricia A. Dunlap
Virginia Bar No. 83846

Dunlap Law PLC
Attorney for Applicant Peter-Blair, Inc.

PROOF OF SERVICE BY MAIL

The undersigned hereby certifies that a copy of this paper has been served upon the following party by U.S. First Class Mail:

Cynthia Moyer
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With a copy to co-counsel for Applicant, Bernard Pike at Pike IP Law, PLLC, P.O. Box 8592, Richmond, VA 23226.

Dated: May 14, 2018

/Tricia A. Dunlap/
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