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

Proceeding	91240654
Party	Defendant Delicious Ltd.
Correspondence Address	LYNN E RZONCA BALLARD SPAHR LLP 1735 MARKET STREET 51ST FLOOR PHILADELPHIA, PA 19103-7599 UNITED STATES Email: rzoncal@ballardspahr.com, feinmanl@ballardspahr.com, phila_tmddocketing@ballardspahr.com
Submission	Answer
Filer's Name	Lynn E. Rzonca
Filer's email	rzoncal@ballardspahr.com, feinmanl@ballardspahr.com, phila_tmddocketing@ballardspahr.com
Signature	/Lynn E. Rzonca/
Date	05/23/2018
Attachments	Delicious Ltd. BCBN Answer.pdf(15831 bytes )

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

THE CHRISTIAN BROADCASTING  
NETWORK, INC.,

Opposer,

v.

DELICIOUS LTD.,

Applicant.

Opposition No.: 91240654  
Mark: BCBN

**ANSWER TO CONSOLIDATED NOTICE OF OPPOSITION**

Delicious Ltd. (“Applicant”), by its undersigned counsel, hereby answers the corresponding numbered paragraphs of the Consolidated Notice of Opposition of The Christian Broadcasting Network, Inc. (“Opposer”) as follows. Applicant denies each and every allegation by Opposer not expressly admitted herein.

1. Admitted.
2. Admitted.
3. Denied.
4. Applicant is without information sufficient to admit or deny the allegations of Paragraph 4 and therefore denies the same.
5. Applicant is without information sufficient to admit or deny the allegations of Paragraph 5 and therefore denies the same.
6. Applicant admits that, according to the Trademark Electronic Search System, Opposer is the record owner of the marks set forth in Paragraph 6 with their respective purported dates of first use in commerce. Applicant denies the remaining allegations of this Paragraph.

7. Applicant admits that in *The Christian Broadcasting Network, Inc. v. ABS-CBN International*, 84 U.S.P.Q. 2d 1560, 1567 (T.T.A.B. 2007) the Board noted that Opposer had in that matter established “that the CBN mark is famous for television broadcasting services and evangelical services.” Applicant denies the remaining allegations of this Paragraph.

8. The allegations contained in Paragraph 8 constitute a legal conclusion and, therefore, no response is required. To the extent a response is required, Applicant denies the same.

9. Denied.

10. Denied.

11. Denied.

### **AFFIRMATIVE DEFENSES**

Applicant asserts that the following affirmative defenses bar Opposer’s requested relief in the Notice of Opposition.

#### **FIRST AFFIRMATIVE DEFENSE**

There is no likelihood of confusion, mistake, or deception because, *inter alia*, Applicant's marks and the alleged marks of Opposer are not confusingly similar.

#### **SECOND AFFIRMATIVE DEFENSE**

There is no likelihood of confusion, mistake, or deception because, *inter alia*, the respective goods and services with which the marks are used are divergent and distinct and are used through unrelated channels of trade to different purchasers and users.

#### **THIRD AFFIRMATIVE DEFENSE**

Opposer’s alleged marks do not convey to the relevant purchasing public a commercial impression that is similar to the commercial impression created by Applicant’s marks.

**FOURTH AFFIRMATIVE DEFENSE**

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.

**PRAYER FOR RELIEF**

WHEREFORE, Applicant requests that the opposition be dismissed and that Applicant's BCBN marks proceed to registration.

Dated: May 23, 2018

Respectfully submitted,

By: /Lynn E. Rzonca/  
Lynn E. Rzonca  
BALLARD SPAHR LLP  
1735 Market Street, 51st Floor  
Philadelphia, PA 19103-7599  
(215) 665-8109  
[rzoncal@ballardspahr.com](mailto:rzoncal@ballardspahr.com)

Leah W. Feinman  
BALLARD SPAHR LLP  
999 Peachtree Street, Suite 1000  
Atlanta, GA 30309-3915  
(678) 420-9330  
[feinmanl@ballardspahr.com](mailto:feinmanl@ballardspahr.com)

ATTORNEYS FOR APPLICANT

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing Answer to Consolidated Notice of Opposition has been served on counsel for Opposer by forwarding said copy on May 23, 2018, via email to:

Patrick J. Arnold Jr.  
Bryce R. Persichetti  
McAndrews Held & Malloy, Ltd.  
500 W. Madison, 34<sup>th</sup> Floor  
Chicago, IL 60661  
T: (312) 775-8000  
[parnold@mcandrews-ip.com](mailto:parnold@mcandrews-ip.com)  
[bpersichetti@mcandrews-ip.com](mailto:bpersichetti@mcandrews-ip.com)

Signature /s/ Leah W. Feinman  
Date: May 23, 2018