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

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|------------------------|--|
| Proceeding | 91242927 |
| Party | Plaintiff Terra Tech Corp. |
| Correspondence Address | JONATHAN A HYMAN KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET 14TH FLOOR IRVINE, CA 92614 UNITED STATES efiling@knobbe.com, Jonathan.Hyman@knobbe.com 310-551-3450 |
| Submission | Answer to Counterclaim |
| Filer's Name | Jonathan A. Hyman |
| Filer's email | efiling@knobbe.com, Jonathan.Hyman@knobbe.com |
| Signature | /jhh/ |
| Date | 12/05/2018 |
| Attachments | TTCRP.104MAnswerCounter.pdf(30171 bytes) |

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

Terra Tech Corp.,

Opposer/Counterclaim
Defendant,

v.

47 / 72 Inc.,

Applicant/Counterclaim
Plaintiff.

) Opposition No.: 91242927

) Serial No. 87/005,855

) Mark: IV:XX

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I hereby certify that this correspondence and all marked attachments are being electronically filed with the Trademark Trial and Appeal Board through their web site located at <http://esta.uspto.gov> on:

December 5, 2018

(Date)

/jhh/

Jonathan A. Hyman

OPPOSER’S ANSWER TO APPLICANT’S COUNTERCLAIMS

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir:

Opposer Terra Tech Corp. hereby answers the Counterclaims for Cancellation filed by 47 / 72 Inc. (“Applicant”) against Opposer’s U.S. Registration No. 4,400,287 (“Applicant’s Counterclaims”). The numbered paragraphs of this Answer correspond to the numbered paragraphs of Applicant’s Counterclaims.

COUNTERCLAIM FOR CANCELLATION OF REGISTRATION NO. 4400287

1. Answering Paragraph 1 of the Counterclaim, Opposer admits that the TSDR printout attached to Opposer's Notice of Opposition as Exhibit 1 shows "TERRA TECH INC." in the "Current Owner(s) Information" section, but denies that "TERRA TECH INC." is the current owner of the registration.

2. Answering Paragraph 2 of the Counterclaim, Opposer admits that the USPTO records purport to show that the application that matured into the '287 Registration was filed on June 20, 2011 by Bianca Barnhill, a citizen of the United States. Opposer further admits that the USPTO records purport to show that counsel of record for the application that matured into the '287 Registration was Pollie Gautsch of G&A Legal, APC, and that application was filed pursuant to Trademark Act Section 1(a) claiming actual use of the IVXX mark in commerce at least as early as June 16, 2011. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 2, and on that basis denies those allegations.

3. Answering Paragraph 3 of the Counterclaim, Opposer admits that the USPTO records purport to show that on April 1, 2015 Bianca Barnhill assigned the '287 Registration to BGB Media, LLC, a California limited liability company. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 3, and on that basis denies those allegations.

4. Answering Paragraph 4 of the Counterclaim, Opposer admits the allegations as set forth in Paragraph 4.

5. Answering Paragraph 5 of the Counterclaim, Opposer admits the allegations set forth in Paragraph 5.

6. Answering Paragraph 6 of the Counterclaim, Opposer admits the allegations set forth in Paragraph 6.

7. Answering Paragraph 7 of the Counterclaim, Opposer admits that it owns and uses the domain names www.ivxx.com and www.terratechcorp.com.

8. Answering Paragraph 8 of the Counterclaim, Opposer admits that it uses the domain names www.ivxxonline.com and www.ivxxelevate.com. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 8, and on that basis denies those allegations.

9. Answering Paragraph 9 of the Counterclaim, Opposer admits the allegations set forth in Paragraph 9.

10. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 10, and on that basis denies those allegations.

11. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 11, and on that basis denies those allegations.

12. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 12, and on that basis denies those allegations.

13. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 13, and on that basis denies those allegations.

14. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 14, and on that basis denies those allegations.

15. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 15, and on that basis denies those allegations.

16. Opposer lacks knowledge or information sufficient to form a belief as to the truth

of the remaining allegations set forth in Paragraph 16, and on that basis denies those allegations.

17. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 17, and on that basis denies those allegations.

18. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 18, and on that basis denies those allegations.

19. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 19, and on that basis denies those allegations.

20. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 20, and on that basis denies those allegations.

21. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 21, and on that basis denies those allegations.

22. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 22, and on that basis denies those allegations.

23. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 23, and on that basis denies those allegations.

24. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 24, and on that basis denies those allegations.

25. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 25, and on that basis denies those allegations.

26. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 26, and on that basis denies those allegations.

27. Opposer lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 27, and on that basis denies those allegations.

28. Answering Paragraph 28 of the Counterclaim, Opposer denies the allegations contained therein. Opposer currently uses the IVXX mark on clothing. Examples of such clothing are shown in Exhibit 1 attached hereto.

29. Answering Paragraph 29 of the Counterclaim, Opposer denies the allegations contained therein.

30. Answering Paragraph 30 of the Counterclaim, Opposer denies the allegations contained therein.

31. Answering Paragraph 31 of the Counterclaim, Opposer denies the allegations contained therein.

32. Answering Paragraph 32 of the Counterclaim, Opposer denies the allegations contained therein.

33. Answering Paragraph 33 of the Counterclaim, Opposer admits that the website www.ivxx.com includes a store locator and that stores in Los Angeles sell some IVXX products. However, not all stores carrying IVXX products carry the full line of products and Opposer's clothing can be found at retail locations in California and Nevada. Opposer denies the remaining allegations contained in Paragraph 33.

34. Answering Paragraph 34 of the Counterclaim, Opposer lacks knowledge or information sufficient to form a belief as to the truth of the allegations set forth therein, and on that basis denies those allegations.

35. Answering Paragraph 35 of the Counterclaim, Opposer denies the allegations contained therein.

CERTIFICATE OF SERVICE

I hereby certify that I served a copy of the foregoing **OPPOSER'S ANSWER TO APPLICANT'S COUNTERCLAIMS** upon Applicant/Counterclaim Plaintiff via email on December 5, 2018, addressed as follows:

Jackson Macdonald
MAC LEGAL LLC
jackson@maclgl.com

/jhh/
Jonathan A. Hyman

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