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

Proceeding	91242927
Party	Plaintiff Terra Tech Corp.
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Submission	Answer to Counterclaim
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Date	10/29/2018
Attachments	TTCRP.104M-Answer.pdf(28254 bytes ) TTCRP.104M-AnswerExhibit1.pdf(434836 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

**BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Terra Tech Corp.,	)	Opposition No.: 91242927
	)	Serial No. 87/005,855
Opposer/Counterclaim	)	Mark: IV:XX
Defendant,	)	
	)	
v.	)	
	)	
47 / 72 Inc.,	)	
	)	
Applicant/Counterclaim	)	
Plaintiff.	)	

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**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 denies that Terra Tech Inc., a Nevada corporation is the current owner of the ‘287 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 that the USPTO records purport to show that on October 8, 2015 BGB Media, LLC assigned the '287 Registration to Be Green 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 4, and on that basis denies those allegations.

5. Answering Paragraph 5 of the Counterclaim, Opposer admits that on March 28, 2016 Be Green Media, LLC assigned the '287 Registration to Terra Tech Corp. Opposer denies the remaining allegations set forth in Paragraph 5.

6. Answering Paragraph 6 of the Counterclaim, Opposer admits that it owns and uses the domain names [www.ivxx.com](http://www.ivxx.com) and [www.terratechcorp.com](http://www.terratechcorp.com).

7. Answering Paragraph 7 of the Counterclaim, Opposer admits that it uses the domain

names 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 7, and on that basis denies those allegations.

8. Answering Paragraph 8 of the Counterclaim, Opposer admits the allegations set forth in Paragraph 8.

9. Opposer has filed a Motion to Dismiss Applicant's Count I: Fraud, and therefore submits that an answer to Paragraph 9 is not required at this time.

10. Opposer has filed a Motion to Dismiss Applicant's Count I: Fraud, and therefore submits that an answer to Paragraph 10 is not required at this time.

11. Opposer has filed a Motion to Dismiss Applicant's Count I: Fraud, and therefore submits that an answer to Paragraph 11 is not required at this time.

12. Opposer has filed a Motion to Dismiss Applicant's Count I: Fraud, and therefore submits that an answer to Paragraph 12 is not required at this time.

13. Opposer has filed a Motion to Dismiss Applicant's Count I: Fraud, and therefore submits that an answer to Paragraph 13 is not required at this time.

14. Opposer has filed a Motion to Dismiss Applicant's Count I: Fraud, and therefore submits that an answer to Paragraph 14 is not required at this time.

15. Opposer has filed a Motion to Dismiss Applicant's Count I: Fraud, and therefore submits that an answer to Paragraph 15 is not required at this time.

16. Opposer has filed a Motion to Dismiss Applicant's Count I: Fraud, and therefore submits that an answer to Paragraph 16 is not required at this time.

17. Opposer has filed a Motion to Dismiss Applicant's Count II: No Bona Fide Use in Commerce Prior to Application Filing, and therefore submits that an answer to Paragraph 17 is not

required at this time.

18. Opposer has filed a Motion to Dismiss Applicant's Count II: No Bona Fide Use in Commerce Prior to Application Filing, and therefore submits that an answer to Paragraph 18 is not required at this time.

19. Opposer has filed a Motion to Dismiss Applicant's Count II: No Bona Fide Use in Commerce Prior to Application Filing, and therefore submits that an answer to Paragraph 19 is not required at this time.

20. Opposer has filed a Motion to Dismiss Applicant's Count II: No Bona Fide Use in Commerce Prior to Application Filing, and therefore submits that an answer to Paragraph 20 is not required at this time.

21. Opposer has filed a Motion to Dismiss Applicant's Count II: No Bona Fide Use in Commerce Prior to Application Filing, and therefore submits that an answer to Paragraph 21 is not required at this time.

22. Answering Paragraph 22 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.

23. Answering Paragraph 23 of the Counterclaim, Opposer denies the allegations contained therein.

24. Answering Paragraph 24 of the Counterclaim, Opposer denies the allegations contained therein.

25. Answering Paragraph 25 of the Counterclaim, Opposer denies the allegations contained therein.

26. Answering Paragraph 26 of the Counterclaim, Opposer denies the allegations



**CERTIFICATE OF SERVICE**

I hereby certify that I served a copy of the foregoing **OPPOSER'S MOTION TO DISMISS APPLICANT'S FIRST AND SECOND COUNTERCLAIMS AND MOTION TO EXTEND TIME TO ANSWER APPLICANT'S THIRD COUNTERCLAIM** upon Applicant/Counterclaim Plaintiff via email on October 29, 2018, addressed as follows:

JACKSON MACDONALD, Esq.  
MAC LEGAL LLC  
jackson@maclgl.com

/jhh/

\_\_\_\_\_  
Jonathan A. Hyman

29327853

# **Exhibit 1**











100% BAW CHEW & NICK TELLS  
VENDOR TELLS