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

Proceeding	91243185
Party	Defendant Colorado Coalition Against Domestic Violence
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Submission	Answer
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Date	10/31/2018
Attachments	Answer to Notice of Opposition - STAND UP COLORADO THE MOVEMENT TO END RELATIONSHIP VIOLENCE Design 4817-6945-9577 v.1.pdf(117990 bytes)

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

THE ENTERTAINMENT INDUSTRY FOUNDATION,)
)
Opposer,)
)
v.)
)
COLORADO COALITION AGAINST DOMESTIC VIOLENCE)
)
Applicant.)

Opposition No. 91243185
Application Serial No.: 87/693,113
Mark: **STAND UP COLORADO
THE MOVEMENT TO END
RELATIONSHIP VIOLENCE &
Design**



ANSWER TO NOTICE OF OPPOSITION

Applicant, Colorado Coalition Against Domestic Violence (“Applicant”), by and through its attorneys, hereby responds to the Notice of Opposition filed August 22, 2018, by The Entertainment Industry Foundation (“Opposer”), as follows:

Applicant admits that it is a non-profit corporation organized under the laws of Colorado and that it is the owner of Application Serial No. 87/693,113, published for opposition in the *Official Gazette* on April 24, 2018 for the services “Promoting public awareness of the prevention of relationship violence by means of public advocacy” in Class 35. Other than the foregoing, all allegations in the preliminary, unnumbered paragraph of the Notice of Opposition are denied.

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1 of the Notice of Opposition and therefore denies the same.

2. Applicant admits that the United States Patent and Trademark Office TSDR system reflects the “Owner Name” for Application Serial No. 87/561,533 and Registration No. 3,588,631 as “The Entertainment Industry Foundation.” Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 2 of the Notice of Opposition and therefore denies the same.

3. Applicant admits that United States Patent and Trademark Office TSDR system identifies the services for Application Serial No. 87/561,533 as “providing online non-downloadable videos showcasing sports celebrities speaking out individually on social justice” and the services for Registration No. 3,588,631 as “charitable fund raising services, namely, raising funds for cancer research.” Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 3 of the Notice of Opposition and therefore denies the same.

4. Applicant admits that United States Patent and Trademark Office TSDR system identifies the application filing date for Registration No. 3,588,631 as February 6, 2008. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 4 of the Notice of Opposition and therefore denies the same.

5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 5 of the Notice of Opposition and therefore denies the same.

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 6 of the Notice of Opposition and therefore denies the same.

7. Applicant denies that Applicant contacted Opposer’s licensee. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 7 of the Notice of Opposition and therefore denies the same.

8. Applicant admits that United States Patent and Trademark Office TSDR system identifies the application filing date for Application Serial No. 87/561,533 as August 9, 2017. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 8 of the Notice of Opposition and therefore denies the same.

9. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9 of the Notice of Opposition and therefore denies the same.

10. Applicant denies the allegations of paragraph 10 of the Notice of Opposition.

11. Applicant admits that it used the mark STAND UP COLORADO THE MOVEMENT TO END RELATIONSHIP VIOLENCE & Design reflected in Application Serial No. 87/693,113 in U.S. commerce at least as early as September 15, 2017.

12. Applicant admits that the filing date of Application Serial No. 87/693,113 is November 21, 2017.

13. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 13 of the Notice of Opposition and therefore denies the same.

14. Applicant denies the allegations of paragraph 14 of the Notice of Opposition.

15. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 15 of the Notice of Opposition and therefore denies the same.

16. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 16 of the Notice of Opposition and therefore denies the same.

17. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 17 of the Notice of Opposition and therefore denies the same.

18. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 18 of the Notice of Opposition and therefore denies the same.

19. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 19 of the Notice of Opposition and therefore denies the same.

20. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 20 of the Notice of Opposition and therefore denies the same.

21. Applicant denies the allegations of paragraph 21 of the Notice of Opposition.

22. Applicant denies the allegations of paragraph 22 of the Notice of Opposition.

23. Applicant denies the allegations of paragraph 23 of the Notice of Opposition.

24. Applicant denies the allegations of paragraph 24 of the Notice of Opposition.

25. Applicant denies the allegations of paragraph 25 of the Notice of Opposition.

26. Applicant denies the allegations of paragraph 26 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

1. Opposer lacks standing to bring this proceeding.
2. Opposer's claims are barred by the doctrines of unclean hands, laches, estoppel, and/or acquiescence.
3. Third parties have used similar marks for similar goods and, therefore, some or all of Opposer's alleged marks are weak and entitled to a narrow scope of protection.
4. Some or all of Opposer's alleged marks lack secondary meaning and are used descriptively by Opposer.
5. Applicant's mark is not confusingly similar to Opposer's alleged marks.
6. Opposer cannot claim exclusive rights in Opposer's alleged marks and/or has abandoned or lost its rights in any alleged mark due to its failure to police third party uses of similar marks and/or enforce its rights, if any, against infringing uses.
7. Opposer has lost any rights it may have had in its alleged marks based on its failure to exercise adequate control over licensee use of Opposer's alleged marks.

Applicant reserves the right to amend its Answer to add additional or other defenses that cannot now be articulated due to Opposer's failure to particularize its claims and/or the need for further discovery regarding Opposer's claims.

WHEREFORE Applicant prays that this Opposition be denied.

Dated: October 31, 2018

Respectfully Submitted,
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**ATTORNEYS FOR APPLICANT
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **Answer to Notice of Opposition** is being served upon Opposer forwarding said copy on October 31, 2018, via email to:

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