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Filing date: **10/22/2018**

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

Proceeding	91243512
Party	Defendant Women's March, Inc.
Correspondence Address	BRUCE GOLDNER SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP FOUR TIMES SQUARE NEW YORK, NY 10036-6522 bgoldner@skadden.com, francine.waldbaum@skadden.com no phone number provided
Submission	Answer
Filer's Name	David M Lamb
Filer's email	bgoldner@skadden.com, francine.waldbaum@skadden.com, david.lamb@skadden.com
Signature	/David M Lamb/
Date	10/22/2018
Attachments	Answer_We March On Chicago_Opp No 91243512.pdf(86737 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
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WE MARCH ON CHICAGO,	:	
	:	
Opposer,	:	Opposition No. 91243512
	:	
-against-	:	Serial Nos. 87/354,044
	:	
WOMEN’S MARCH, INC.,	:	
	:	
Applicant.	:	
	:	
-----	:	X

**ANSWER TO NOTICE OF OPPOSITION**

Women’s March, Inc., a New York corporation with its principal office at 105 Summit Street, #2, Brooklyn, New York 11231 (“Applicant”), by its undersigned counsel, hereby responds to the Notice of Opposition filed by Opposer We March on Chicago d/b/a Women’s March Chicago (“Opposer”) concerning Serial Application No. 87/354,044 for the mark “WOMEN’S MARCH” (the “Application”) as follows:

1. Applicant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 1 of the Opposition, and therefore denies same.

2. Applicant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 2 of the Opposition, and therefore denies the same.

3. Applicant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 3 of the Opposition, and therefore denies same.

4. Applicant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 4 of the Opposition, and therefore denies same.

5. Applicant denies knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in paragraph 5 of the Opposition, and therefore denies same, except Applicant admits that certain entities use the phrase “women’s march” as part of their names. Applicant further states that to the extent such use is intended to act as a source-identifier, it is in violation of Applicant’s rights in the “WOMEN’S MARCH” Mark.

6. Applicant admits the allegations contained in paragraph 6 of the Opposition concerning the date of Applicant’s filing of its Application for the WOMEN’S MARCH mark reflected in Serial No. 87/354,044, Applicant’s first use date, and the goods and services covered by that Application. Applicant refers to this Application for the true and correct information concerning the Application date, first

use date, and description of goods and services of the WOMEN'S MARCH Mark reflected therein.

7. Applicant denies the allegations contained in paragraph 7 of the opposition.

8. Applicant denies the allegations contained in paragraph 8 of the Opposition, except Applicant admits that other entities use the term "women's march" in connection with their organizations. Applicant further states that to the extent such use is intended to act as a source-identifier, it is in violation of Applicant's rights in the "WOMEN'S MARCH" Mark.

9. Applicant denies the allegations contained in paragraph 9 of the Opposition.

10. Applicant denies the allegations contained in paragraph 10 of the Opposition.

### **AFFIRMATIVE DEFENSES**

#### **First Affirmative Defense**

The Opposition fails to state a claim upon which relief may be granted.

#### **Second Affirmative Defense**

Opposer's claims are barred in whole or in part because the WOMEN'S MARCH Mark is suggestive as applied to the goods and services in the Application, or, in

the alternative, has acquired distinctiveness under Section 2(f) of the Lanham Act, 15 U.S.C. § 1052(f).

**Third Affirmative Defense**

The claims of Opposer are barred in whole or in part by the doctrine of unclean hands.

**Fourth Affirmative Defense**

The claims of Opposer are barred in whole or in part by the doctrines of laches, waiver and estoppel.

**Fifth Affirmative Defense**

The claims of Opposer are barred in whole or in part by the doctrine of acquiescence.

**Sixth Affirmative Defense**

Applicant reserves the right to rely on such other and further affirmative defenses as may be supported by facts to be determined through full and complete discovery and to amend its Answer to assert such affirmative defenses.

WHEREFORE, Applicant respectfully requests that this Opposition be dismissed with prejudice, and that Applicant's Application for registration of the WOMEN'S MARCH Mark, reflected in Serial Nos. 87/354,044 be granted.

Dated: New York, New York  
October 22, 2018

Bruce J. Goldner  
David M. Lamb  
SKADDEN, ARPS, SLATE,  
MEAGHER & FLOM LLP  
Four Times Square  
New York, NY 10036  
(212) 735-3000 (telephone)  
(212) 735-2000 (facsimile)

Attorneys for Women's March, Inc.

By: /s/ David M. Lamb


**CERTIFICATE OF SERVICE**

I, Francine Waldbaum, hereby certify that on this 22nd day of October 2018, I caused a true and correct copy of Women's March, Inc.'s Answer to the Notice of Opposition of Opposer We March on Chicago d/b/a Women's March Chicago to be served on the following person in the following manner:

**BY E-MAIL AND MAIL**

Thomas L. Holt  
Perkins Coie LLP  
131 South Dearborn St.  
Suite 1700  
Chicago, IL 60603  
tholt@perkinscoie.com

Attorneys for Opposer  
We March on Chicago d/b/a Women's March Chicago

  
Francine Waldbaum