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

Proceeding	91243526
Party	Defendant Women's March, Inc.
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Date	10/22/2018
Attachments	Answer_Womens March Alliance Opp no. 91243526.pdf(74270 bytes )

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

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WOMEN'S MARCH ALLIANCE,	:	
	:	
Opposer,	:	Opposition No. 91243526
	:	
-against-	:	Serial No. 87/354,018
	:	
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 Women's March Alliance ("Opposer") concerning Serial Application No. 87/354,018 for the mark "WM 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, except Applicant specifically denies that “WM WOMEN’S MARCH” as set forth in the Application is descriptive, has become a common identifier, and cannot distinguish Applicant’s goods and services from the goods and services of others. Applicant further denies the allegations contained in paragraph 2 of the Opposition that it has no trademark rights in the “WM WOMEN’S MARCH” Mark.

3. Applicant states that the allegations contained in paragraph 3 of the Opposition contain conclusions of law as to which no response is required by Applicant.

4. Applicant denies the allegations contained in paragraph 4 of the Opposition.

5. Applicant denies the allegations contained in paragraph 5 of the Opposition.

6. Applicant denies the allegations contained in paragraph 6 of the Opposition. Applicant further states that it does not object to any party’s use of the phrase “women’s march” in a descriptive context.

7. Applicant denies the allegations contained in paragraph 7 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 WM 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 WM WOMEN'S MARCH Mark, reflected in Serial Nos. 87/354,018 be granted.

Dated: New York, New York  
October 22, 2018

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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 Women's March Alliance to be served on the following person in the following manner:

**BY E-MAIL AND MAIL**

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Attorneys for Opposer  
Women's March Alliance

  
Francine Waldbaum