

ESTTA Tracking number: **ESTTA947918**

Filing date: **01/16/2019**

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

Proceeding	91245193
Party	Defendant Acme International, Inc.
Correspondence Address	ACME INTERNATIONAL, INC. ACME INTERNATIONAL, INC. 3265 SATURN COURT PEACHTREE CORNERS, GA 30092 ssaluja@acmeintlusa.com no phone number provided
Submission	Answer
Filer's Name	Gregory Scott Smith
Filer's email	gsmith@srtslaw.com, docket@srtslaw.com
Signature	/Gregory Scott Smith/
Date	01/16/2019
Attachments	01107.3010 Opposition Answer.pdf(80666 bytes )



2. In response to the allegations of paragraph 2 of the Notice, the Applicant is without sufficient knowledge to admit or deny, and so denies.

3. In response to the allegations of paragraph 3 of the Notice, the Applicant is without sufficient knowledge to admit or deny, and so denies.

4. Applicant denies the allegations of paragraph 4 of the Notice.

5. In response to the allegations of paragraph 5 of the Notice, the Applicant is without sufficient knowledge to admit or deny, and so denies.

6. Applicant denies the allegations of paragraph 6 of the Notice.

7. Applicant denies the allegations of paragraph 7 of the Notice.

8. Applicant denies the allegations of paragraph 8 of the Notice.

### **Affirmative Defenses**

In further answer to the Notice, the Applicant asserts that:

#### **First Affirmative Defense**

The Applicant asserts that there is no likelihood of confusion with respect to the Applicant's mark and the Opposer's mark.

#### **Second Affirmative Defense**

The Applicant asserts that the Applicant's mark, when used in connection with the goods recited in the application, do not give rise to a likelihood of confusion.

#### **Third Affirmative Defense**

The Applicant alleges on information and belief that the opposition is barred by the doctrine of estoppel.

**Fourth Affirmative Defense**

The Applicant alleges on information and belief that as a result of the acts and omissions of opposer, that opposer has waived any right to pursue its opposition.

WHEREFORE, Applicant respectfully prays that the Opposition be dismissed in favor of Applicant and that United States Application 87927941 be registered.

Respectfully submitted,

By: /Gregory Scott Smith/

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