

ESTTA Tracking number: **ESTTA948746**

Filing date: **01/21/2019**

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

Proceeding	91245211
Party	Defendant Sky Home Corporation
Correspondence Address	Matthew J. Ladenheim TREGO, HINES & LADENHEIM, PLLC 10224 Hickorywood Hill Ave Suite 202 Huntersville, NC 28078 trademarks@thlip.com no phone number provided
Submission	Answer
Filer's Name	Matthew J. Ladenheim
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Date	01/21/2019
Attachments	1466-002.ANSWER.pdf(17455 bytes )

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

*In re* Application No. 87/541,901  
Published for Opposition: 11/13/2018  
Mark: BUNGALOW HOME

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RESTORATION HARDWARE, INC.	)	
	)	
Opposer	)	Opposition No. 91245211
	)	
vs.	)	
	)	
SKY HOME CORPORATION	)	
	)	
Applicant.	)	
	)	

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**ANSWER OF APPLICANT**

**COMES NOW** the Applicant, Sky Home Corporation (hereinafter, “Applicant”), by and through its legal counsel, Trego, Hines & Ladenheim, PLLC, and in Answer to the Notice of Opposition filed by Opposer, Restoration Hardware, Inc. (hereinafter, “Opposer”) presents the following:

1. Opposer’s identity is admitted upon information and belief.
2. Admitted
3. Admitted.
4. Admitted.
5. Applicant is without information necessary to form an opinion regarding the truth or falsity of the allegations contained in Paragraph 5 of the Notice of Opposition, accordingly, those allegations are denied.

6. Applicant is without information necessary to form an opinion regarding the truth or falsity of the allegations contained in Paragraph 6 of the Notice of Opposition, accordingly, those allegations are denied.
7. Applicant is without information necessary to form an opinion regarding the truth or falsity of the allegations contained in Paragraph 7 of the Notice of Opposition, accordingly, those allegations are denied.
8. Admitted that Opposer appears to be the owner of the United States Trademark Registrations attached as Exhibit A to the Notice of Opposition. Applicant is without information necessary to form an opinion regarding the truth or falsity of the remaining allegations contained in Paragraph 8 of the Notice of Opposition, accordingly, those allegations are denied.
9. Admitted that Opposer refers to its claimed rights, collectively, as “BUNGALOW Mark.”
10. Applicant is without information necessary to form an opinion regarding the truth or falsity of the allegations contained in Paragraph 10 of the Notice of Opposition, accordingly, those allegations are denied.
11. Admitted that Applicant’s mark is comprised of the wording BUNGALOW HOME whereas Opposer’s mark is comprised of the single word BUNGALOW. Except as specifically admitted herein, the allegations contained in Paragraph Denied.
12. Denied.
13. Admitted.
14. Denied.

15. Denied.

**General Denial**

All allegations contained in the Notice of Opposition not specifically admitted herein are hereby specifically denied.

**Affirmative Defenses**

Having answered each of the enumerated paragraphs in the Notice of Opposition, Applicant presents the following Affirmative Defenses:

**First Affirmative Defense**

Opposer has failed to state a claim upon which relief may be granted.

**Second Affirmative Defense**

Applicant's mark, when used in connection with Applicant's goods, is not likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection or association of Applicant with Opposer, or as to the origin, sponsorship, or approval of Applicant's goods by Opposer.

**Third Affirmative Defense**

Registration of Applicant's mark will not be injurious to any cognizable right owned by Opposer.

**WHEREFORE**, Applicant respectfully requests that the above-captioned proceeding be dismissed with prejudice and that United States Trademark Application Serial No. 87/541,901 be passed to registration.

Dated: This the 21<sup>st</sup> day of January, 2019.

Respectfully submitted,

**TREGO, HINES & LADENHEIM, PLLC**

/s/ Matthew J. Ladenheim

Matthew J. Ladenheim

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Certificate of Service

I hereby certify that the foregoing document, ANSWER OF APPLICANT, was served on the Opposer in this matter by depositing a copy of the same with the United States Postal Service, first class postage prepaid addressed as follows:

Michael J. McCue  
Aaron D. Johnson  
LEWIS ROCA ROTHGERBER CHRISTIE LLP  
3993 Howard Hughes Pkwy., Suite 600  
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AND via electronic mail addressed as follows:

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Dated: This the 21<sup>th</sup> day of January, 2019.

Respectfully submitted,

**TREGO, HINES & LADENHEIM, PLLC**

/s/ Matthew J. Ladenheim  
Matthew J. Ladenheim

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