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

Proceeding	91246964
Party	Defendant Webster, Jacques
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Date	04/20/2019
Attachments	S.P.A.C.E Answer.pdf(51681 bytes )

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

Dominick Russell,	)	Opposition No. 91246964
	)	
Opposer,	)	
	)	Application Serial No. 88/096,368
v.	)	Mark: S.P.A.C.E
	)	
Jacques Webster,	)	
	)	
Applicant.	)	
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**ANSWER TO NOTICE OF OPPOSITION**

Jacques Webster (“**Applicant**”), by his undersigned attorneys, hereby answers the Notice of Opposition (“**Opposition**”) filed by Dominick Russell (“**Opposer**”). Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in the unnumbered introductory paragraph of the Opposition, such paragraph stating that Opposer believes that it will be damaged by registration of Applicant’s mark, and on that basis denies such allegation contained therein. In response to the individually numbered paragraphs of the Opposition, Applicant responds as follows:

1. Applicant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Opposition, and on that basis denies each and every allegation contained therein.
2. Applicant denies the allegations contained in Paragraph 2 of the Opposition that “*Opposer is the owner of the mark S.P.A.C.E*” for “*Opposer’s Goods and Services*” and otherwise denies knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in Paragraph 2 of the Opposition, and on that basis denies each and every allegation contained therein.
3. Applicant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Opposition, and respectfully refers the Board to the application cited in Paragraph 3 for its contents.

4. Applicant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Opposition, and respectfully refers the Board to the application cited in Paragraph 4 for its contents.
5. Applicant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of the Opposition, and on that basis denies each and every allegation contained therein.
6. Applicant admits the allegation in Paragraph 6 that Applicant filed the mark **S.P.A.C.E** shown in Application Serial No. 88/096,368 with the U.S. Patent and Trademark Office on August 28, 2018 (the "**Application**"), and respectfully refers the Board to the Application for its contents.
7. Applicant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the Opposition, and on that basis denies each and every allegation contained therein.
8. Applicant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Opposition, and on that basis denies each and every allegation contained therein.
9. Applicant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Opposition, and on that basis denies each and every allegation contained therein.
10. Applicant denies each and every allegation in Paragraph 10 of the Opposition.
11. Applicant denies each and every allegation in Paragraph 11 of the Opposition.
12. Applicant denies each and every allegation in Paragraph 12 of the Opposition.
13. Applicant denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 13 of the Opposition, and respectfully refers the Board to the application cited in Paragraph 13 for its contents.
14. Applicant admits the allegations in Paragraph 14 and respectfully refers the Board to the Application for its contents.
15. Applicant denies each and every allegation in Paragraph 15 of the Opposition.
16. Applicant denies each and every allegation in Paragraph 16 of the Opposition.
17. Applicant denies each and every allegation in Paragraph 17 of the Opposition.

18. Applicant denies each and every allegation in Paragraph 18 of the Opposition.
19. Applicant states that the allegations contained in Paragraph 19 constitute conclusions of law as to which no response is required, and in any case, Applicant denies each and every allegation in Paragraph 19 of the Opposition.
20. Applicant repeats and realleges the responses in preceding paragraphs 1 through 19, and on that basis Applicant denies each and every allegation in Paragraph 20 of the Opposition.
21. Applicant admits that “[i]f Applicant is granted the registration . . . it would thereby obtain at least a prima facie exclusive right to the use of its S.P.A.C.E Mark,” but Applicant denies each and every other allegation contained in Paragraph 21 of the Opposition.

### **AFFIRMATIVE DEFENSES**

#### **FIRST AFFIRMATIVE DEFENSE**

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

#### **SECOND AFFIRMATIVE DEFENSE**

Opposer’s claims are barred by waiver, laches, estoppel and/or acquiescence.

#### **THIRD AFFIRMATIVE DEFENSE**

Opposer has abandoned any common law rights it may have had in the pleaded mark.

#### **FOURTH AFFIRMATIVE DEFENSE**

Various paragraphs of the Opposition do not comply with Fed. R. Civ. P. 8(a) and (e), which require a “short and plain statement” of the claims showing that Opposer is entitled to relief, and 37 C.F.R. § 2.104(a) and T.B.M.P. § 312.03, which require “a short and plain statement showing why Opposer believes ... it would be damaged by the registration of the opposed mark.” As such Applicant is not required to separately admit or deny each of the allegations contained therein.

WHEREFORE, Applicant respectfully requests dismissal of the Opposition in Applicant's favor, that Application Serial No. 88/096,368 proceed to registration and such other and further relief as may be just and proper.

Respectfully Submitted,

Dated: April 20, 2019

By:     /Kia Kamran/    

Kia Kamran, Esq.

Kia Kamran P.C.

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**PROOF OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **ANSWER TO THE NOTICE OF OPPOSITION** has been served on Opposer's counsel via email on April 20, 2019, to:

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