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

Proceeding	91248100
Party	Defendant Universal International Music B.V.
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Date	01/22/2020
Attachments	2020-01-22 Spinnup Answer to Notice of Opposition 91248100.pdf(101121 bytes)

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

Spinmedia LLC,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91248100
)	Application Nos. 86810410;
Universal International Music B.V.,)	86810426
)	
Applicant.)	
)	

ANSWER TO NOTICE OF OPPOSITION

Applicant Universal International Music B.V. (“Applicant”) as and for its answer to Opposer Spinmedia LLC’s (“Opposer”) Notice of Opposition hereby states as follows:

With regard to the Preamble to the Notice of Opposition, Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations regarding Opposer’s address and corporate structure and therefore denies the same. Applicant denies the remaining allegations in the Preamble and further denies that Opposer is entitled to the relief it seeks.

With regard to the numbered paragraphs of the Notice of Opposition, Applicant hereby states as follows:

1. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations in Paragraph 1 and therefore denies the same.

2. Applicant lacks sufficient knowledge and information to form a belief as to Opposer’s ownership of a SPIN trademark and therefore denies the same. Applicant denies the remaining allegations in Paragraph 2.

3. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations in Paragraph 3 and therefore denies the same.

4. Applicant admits that USPTO databases identify Opposer as the owner of record of the registrations and applications referenced in Paragraph 4 and that these registrations and applications included a variety of goods and services in International Classes 9, 16, 28, 35, 38, 41, and 42 as of the filing date of the Notice of Opposition. Applicant further admits that Exhibit 1 to the Notice of Opposition appears to show the status of the registrations and applications referenced in Paragraph 4 as of the filing date of the Notice of Opposition, and respectfully refers the Board to said records for the contents thereof. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the remaining allegations in Paragraph 4—including Opposer’s alleged ownership of the marks reflected in these registrations and applications, and the validity of the assignment to Opposer—and therefore denies the same.

5. Applicant admits the allegations contained in Paragraph 5.

6. Applicant admits the allegations contained in Paragraph 6.

7. Applicant admits the allegations contained in Paragraph 7.

8. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations in Paragraph 8 and therefore denies the same.

9. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations in Paragraph 9 and therefore denies the same.

10. Applicant denies that Opposer’s SPIN and SPIN-formative marks are famous within the meaning of the Lanham Act. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the remaining allegations in Paragraph 10 and therefore denies the same.

11. Applicant admits that Applicant has no relation with Opposer or the goods and services Opposer offers under the SPIN trademarks. Applicant denies the remaining allegations in Paragraph 11.

12. Applicant admits that its opposed applications include the goods and services listed in Paragraph 12. Applicant denies the remaining allegations in Paragraph 12.

13. Applicant denies the allegations contained in Paragraph 13.

14. Applicant denies the allegations contained in Paragraph 14.

15. Applicant denies the allegations contained in Paragraph 15.

16. Applicant denies the allegations contained in Paragraph 16.

17. Applicant denies the allegations contained in Paragraph 17.

18. The “WHEREFORE” clause of the Notice of Opposition is a Prayer for Relief that requires no response. To the extent that any such response is required, Applicant denies that Opposer is entitled to any of the relief requested therein.

19. All allegations not specifically admitted above are hereby denied.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

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

SECOND AFFIRMATIVE DEFENSE

2. The Notice of Opposition is barred by the doctrine of waiver.

THIRD AFFIRMATIVE DEFENSE

3. The Notice of Opposition is barred by the doctrine of estoppel.

FOURTH AFFIRMATIVE DEFENSE

4. The Notice of Opposition is barred by the doctrine of laches.

FIFTH AFFIRMATIVE DEFENSE

5. The Notice of Opposition is barred by the doctrine of acquiescence.

Applicant has not yet had the benefit of formal discovery in this case and hereby reserves the right to amend its answer to assert counterclaims for cancellation on whatever grounds might be supported by information learned by Applicant during the course of discovery, including, but not limited to, counterclaims that Opposer's Marks are descriptive or generic for some or all of the goods and services listed in Opposer's applications and registrations.

WHEREFORE Applicant requests that the Notice of Opposition be dismissed with prejudice in its entirety and that the Board grant to Applicant such other and further relief as the Board deems just and proper.

Dated: January 22, 2020

Respectfully submitted,

Universal International Music B.V.

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer has been served on Opposer by electronically transmitting said copy on January 22, 2020, to:

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