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

Proceeding	91248199
Party	Defendant Precision Appliance Technology, Inc.
Correspondence Address	JAMES HAUGEN SEATTLE PATENT GROUP LLC 4020 148TH AVE NE, STE. D REDMOND, WA 98052 jlthaugen@seattlepatentgroup.com no phone number provided
Submission	Answer
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Date	06/12/2019
Attachments	Answer and Affirmative Defenses-Final-01.pdf(109719 bytes)

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

In the matter of Application Serial No. 87857820: “V VESTA PRECISION”
Published in the Official Gazette of January 15, 2019 in all designated classes
(International Classes 7, 11, & 16)

ANOVA APPLIED ELECTRONICS, INC.

Opposer,

vs.

PRECISION APPLIANCE
TECHNOLOGY, INC.

Applicant.

Opposition No. 91248199

Serial No. 87857820

Mark: **V VESTA PRECISION**

**ANSWER AND AFFIRMATIVE DEFENSES OF PRECISION APPLIANCE
TECHNOLOGY, INC.**

Applicant Precision Appliance Technology, Inc. ("Applicant"), by and through his attorneys, hereby answers the Notice of Opposition (the "Opposition") filed by Anova Applied Electronics, Inc. ("Opposer") as follows. To the extent not explicitly admitted, all allegations in the opposition are denied.

ANSWER

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 1 and, on that basis, denies them.
2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 2 and, on that basis, denies them.
3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 3 and, on that basis, denies them.

4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 4 and, on that basis, denies them.

5. Paragraph 5 sets forth legal conclusions and questions of law to which no response is necessary. However, to the extent any response is necessary, Applicant denies any and all remaining allegations and/or legal conclusions contained within Paragraph 5.

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 6 and, on that basis, denies them.

7. Paragraph 7 sets forth legal conclusions and questions of law to which no response is necessary. However, to the extent any response is necessary, Applicant denies any and all remaining allegations and/or legal conclusions contained within Paragraph 7.

8. Paragraph 8 sets forth legal conclusions and questions of law to which no response is necessary. However, to the extent any response is necessary, Applicant denies any and all remaining allegations and/or legal conclusions contained within Paragraph 8.

AFFIRMATIVE DEFENSES

Applicant undertakes the burden of proof only as to those defenses deemed affirmative defenses by law, regardless of how such defenses are denominated below. Applicant expressly reserves the right to plead additional affirmative and other defenses should any defenses be revealed by discovery in this case. As and for its affirmative and other defenses, Applicant states as follows:

First Affirmative Defense

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

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Second Affirmative Defense

There is no likelihood of confusion, mistake, or deception between opposer's mark and Applicant's "V VESTA PRECISION" mark.

Third Affirmative Defense

Applicant alleges on information and belief that opposer's mark is ineligible for protection as it is merely descriptive as provided for by Section 2(e)(1) of the Lanham Act, 15 U.S.C. §1052(e)(1).

Fourth Affirmative Defense

Applicant alleges on information and belief that as a result of opposer's own acts and/or omissions, the opposition is barred by the doctrine of laches.

Fifth Affirmative Defense

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

Sixth Affirmative Defense

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

Seventh Affirmative Defense

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

Eighth Affirmative Defense

Applicant alleges on information and belief that the opposition is barred by the doctrine of unclean hands.

Ninth Affirmative Defense

Any and all acts alleged to have been committed by Applicant were performed with lack of knowledge and lack of willful intent.

WHEREFORE, Applicant PRECISION APPLIANCE TECHNOLOGY, INC. requests that the Notice of Opposition be dismissed with prejudice, together with whatever other relief the Board may deem appropriate.

DATED: June 12, 2019

Respectfully Submitted,

APPLICANT PRECISION APPLIANCE
TECHNOLOGY, INC.,

By /s/ Tom Hendrickson
One of his Attorneys

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TECHNOLOGY, INC.

CERTIFICATE OF SERVICE

I, Tom Hendrickson, hereby certify that on June 12, 2019, I served a true and correct copy of the foregoing **ANSWER AND AFFIRMATIVE DEFENSES OF PRECISION APPLIANCE TECHNOLOGIES, INC.** by electronic mail upon:

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Attorney for Opposer
Anova Applied Electronics, Inc.

By /s/ Tom Hendrickson
Tom Hendrickson