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

Proceeding	91248402
Party	Defendant Black Gold Coin, Inc.
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Submission	Answer
Filer's Name	Patrick Canon
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Date	08/16/2019
Attachments	2019 0816 Opposition Answer Uport FINAL.pdf(99793 bytes)

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

In the Matter of:
Application Serial No. 87765468
Applicant Owner: Black Gold Coin, Inc.
Mark: UPORT
Published in the Official Gazette: January 29, 2019

WILFREDO FELIX	§	
OPPOSER,	§	OPPOSITION NO. 91248402
V	§	
BLACK GOLD COIN, INC.	§	
APPLICANT.	§	

ANSWER TO NOTICE OF OPPOSITION

The following is the Answer of Applicant Black Gold Coin, Inc. ("Applicant"), owner of Federal Trademark Application Serial No. 87765468 for the mark UPORT (hereinafter "Applicant's Mark"), by and through Counsel, Patrick Canon to the Notice of Opposition filed on May 28, 2019 by Wilfredo Felix (hereinafter, "Opposer"), and assigned Opposition No. 91248402.

1. Applicant denies the allegations contained in paragraph 1 of the Notice of Opposition, as Applicant is without knowledge or sufficient information to form a belief as to the truth of the allegations contained in paragraph 1 of the Notice of Opposition; specifically, whether the Opposer is the current and proper owner of the claimed registration.

2. Applicant denies the allegations contained in paragraph 2 of the Notice of Opposition, as Applicant is without knowledge or sufficient information to form a belief as to the truth of the allegations contained in paragraph 2 of the Notice of Opposition; specifically, whether

the registration is valid and subsisting, and therefore Applicant is without knowledge and sufficient information to form a belief as to priority.

3. Applicant admits to the allegations contained in paragraph 3.

4. Applicant denies the allegations contained in paragraph 4 of the Notice of Opposition, as Applicant is without knowledge or sufficient information to form a belief as to the truth of the allegations contained in paragraph 4 of the Notice of Opposition. Specially, whether Opposer is the current and correct owner of the claimed registration and whether Felix Registration consists evidence as to Opposer' s ownership of the mark and thus its exclusive right to use the mark.

5. Applicant denies the allegations in paragraph 5 of the Notice of Opposition.

6. Applicant admits to the allegations contained in paragraph 6.

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

8. Applicant is without knowledge or sufficient information to form a belief as to the truth of the allegations contained in paragraph 8 of the Notice of Opposition. Since Application can neither admit or deny the paragraph as written, Applicant must deny.

9. Applicant is without knowledge or sufficient information to form a belief as to the truth of the allegations contained in paragraph 9 of the Notice of Opposition. Since Application can

neither admit or deny the paragraph as written, Applicant must deny.

10. Applicant is without knowledge or sufficient information to form a belief as to the truth of the allegations contained in paragraph 10 of the Notice of Opposition. Since Application can

neither admit or deny the paragraph as written, Applicant must deny.

11. Applicant denies the allegations in paragraph 11 of the Notice of Opposition.

12. Applicant denies the allegations in paragraph 12 of the Notice of Opposition.

13. Applicant is without knowledge or sufficient information to form a belief as to the truth of the allegations contained in paragraph 13 of the Notice of Opposition. Since Application can

neither admit or deny the paragraph as written, Applicant must deny.

FURTHERMORE, Applicant sets forth the following in support of its position:

14. Applicant's mark is unique and distinctive.

15. Applicant's mark and Opposer's mark create different commercial impressions.

16. Applicant's mark and Opposer's mark are not likely to cause confusion, mistake or deception to purchasers as to the source of Opposer's goods or services.

17. Applicant's goods/services and Opposer's goods/services are not marketed through the same channels of trade.

18. Applicant's mark and Opposer's mark are not likely to disparage or falsely suggest a trade connection between Opposer and Applicant.

19. Applicant hereby appoints Patrick Canon, a member of the State Bar of Texas at the firm of:

Bhojani Law PLLC
1431 Greenway Drive, Suite 155
Irving, Texas 75038
Phone: 972-786-6888
Fax: 888-681-2871
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to act as the attorney in the matter of the opposition identified above, to prosecute said opposition, to transact all business in the Patent and Trademark Office, and in the United States

courts connected with the opposition, to sign his name to all papers which are hereinafter to be filed in connection therewith, and to receive all communications relating to the same.

WHEREFORE, Applicant prays that the Trademark Trial and Appeal Board deny the Opposition and permit registration of Applicant's proposed mark in Application Serial Number 87765468 in the United States Patent and Trademark Office.

Dated this _____ of August, 2019.

Respectfully submitted,

BHOJANI LAW, PLLC

By: /s/Patrick Canon

Patrick Canon

State Bar No. 24040637

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Attorney for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing instrument has been served on all counsel of record on August 16, 2019 as follows:

Christine Washington, Esq.
244 Fifth Avenue, Suite 2660
New York, NY 10001
United States
Attorney for Opposition

- ECF
- Hand-Delivery
- Over-Night Delivery
- Facsimile:
- E-Mail:

/s/ Patrick Canon
Patrick Canon
