

ESTTA Tracking number: **ESTTA988176**

Filing date: **07/17/2019**

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

|                        |  |
|------------------------|--|
| Proceeding             | 91248682   |
| Party                  | Defendant<br>Shark Instruments Sanat Urunleri A.S.   |
| Correspondence Address | KIMBERLY GAMBREL<br>DINSMORE & SHOHL LLP<br>FIFTH THIRD CENTER ONE SOUTH MAIN STREET, SUITE 1200<br>DAYTON, OH 45402-2024<br>kimberly.gambrel@dinsmore.com, daytonipdocket@dinsmore.com,<br>cindy.blackburn@dinsmore.com<br>no phone number provided |
| Submission             | Answer   |
| Filer's Name           | Diana S. Bae   |
| Filer's email          | tmdocket@arentfox.com, ross.panko@arentfox.com, diana.bae@arentfox.com,<br>cathy.obrien@arentfox.com   |
| Signature              | /diana s. bae/   |
| Date                   | 07/17/2019   |
| Attachments            | 91248682 - Evets Corporation v Shark Instruments - Answer to the notice of opposition.pdf(130817 bytes )   |

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

|                         |   |                   |
|-------------------------|---|-------------------|
| EVETS CORPORATION       | : |                   |
|                         | : |                   |
| Opposer                 | : |                   |
|                         | : |                   |
| v.                      | : | Opp. No. 91248682 |
|                         | : |                   |
| SHARK INSTRUMENTS SANAT | : |                   |
| URUNLERI A.S.           | : |                   |
|                         | : |                   |
| Applicant               | : |                   |

**ANSWER**

Applicant Shark Instruments Sanat Urunleri A.S. (“Applicant”), by and through its undersigned counsel, hereby answers the Notice of Opposition in the above-identified opposition proceeding. Applicant’s responses to Opposer Evets Corporation (“Opposer”) are based upon actual knowledge of its own actions and upon information and belief with respect to all other matters.

The paragraph numbers set forth below correspond to the paragraph numbers in Opposer’s Notice of Opposition. To the extent that any fact or allegation set forth in the Notice of Opposition is deemed not to be herein expressly admitted or denied, it is hereby denied.

Applicant denies the introductory allegations that the registration of the mark SHARK (stylized), identified in Application Serial No. 88/227,630, will damage Opposer.

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and therefore denies them.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and therefore denies them.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and therefore denies them.
5. Admitted.
6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in this paragraph, and therefore denies them.
7. Denied.
8. Denied.

#### **AFFIRMATIVE DEFENSES**

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

WHEREFORE, Applicant prays that this Opposition be dismissed, and that this proceeding be sustained in favor of Applicant.

Respectfully submitted.

Dated: July 17, 2019

/diana s. bae/

Anthony V. Lupo  
Ross Q. Panko  
Diana S. Bae  
Arent Fox LLP  
*Attorneys for Applicant*

1717 K Street, NW  
Washington, DC 20006  
Tel: 202-857-6000  
Fax: 202-857-6395  
Anthony.Lupo@arentfox.com  
Ross.Panko@arentfox.com  
Diana.Bae@arentfox.com

## **CERTIFICATE OF SERVICE**

It is hereby certified that a true and correct copy of the foregoing (re Opp. No. 91248682) has been served upon Opposer's counsel Joseph T. Leone by email at the email address listed below on July 17, 2019.

jltm@dewittllp.com

/diana s. bae/

Diana S. Bae