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

Proceeding	91249099
Party	Defendant Redmint, LLC
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Attachments	TTAB Answer to REDMINT Opposition.pdf(120778 bytes)

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REDMINT, LLC
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8 In the Matter of Application Serial No. 88110709 (REDMINT)
9

10 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
11 **BEFORE THE TRADEMARK TRIAL AND APPEALS BOARD**
12

13 REDMOND, INCORPORATED,

14 Opposer,

15 v.

16 REDMINT, LLC,

17 Applicant.
18

ANSWER TO NOTICE OF OPPOSITION

Opposition No. 91249099

19 **ANSWER TO NOTICE OF OPPOSITION**

20 RedMint, Inc. (“Applicant” or “RedMint”) hereby answers the Notice of Opposition
21 (“Opposition”) filed by Redmond, Inc. (“Opposer” or “Redmond”). Applicant denies the
22 allegation in the unnumbered introductory paragraph of the Opposition which states that Opposer
23 believes that it will be damaged by the issuance of a registration for the mark REDMINT
24 (“Applicant’s Mark”). In response to the individually numbered paragraphs of the Opposition,
25 Applicant responds as follows:

26 1. Applicant is without sufficient knowledge or information to form a belief as to the
27 truth of the allegations contained in Paragraph 1 of the Opposition, and on that basis denies each
28 and every allegation contained therein.

1 2. Applicant admits that Opposer has U.S. registrations for the five identified
2 REDMOND-formative registrations, which registrations speak for themselves. Applicant is
3 without sufficient knowledge or information to form a belief as to the truth of the remaining
4 allegations contained in Paragraph 2 of the Opposition, and on that basis denies each and every
5 allegation contained therein.

6 3. Applicant is without sufficient knowledge or information to form a belief as to the
7 truth of the allegations contained in Paragraph 3 of the Opposition, and on that basis denies each
8 and every allegation contained therein.

9 4. Applicant believes the first sentence of Paragraph 4 is a conclusion of law to which
10 no response is required. To the extent a response is deemed required, Applicant denies these
11 allegations. Applicant is without sufficient knowledge or information to form a belief as to the
12 truth of the remaining allegations contained in Paragraph 4 of the Opposition, and on that basis
13 denies each and every allegation contained therein.

14 5. Applicant admits the allegations in Paragraph 5 of the Opposition.

15 6. Applicant believes Paragraph 6 is a conclusion of law to which no response is
16 required. To the extent a response is deemed required, Applicant denies these allegations.

17 7. Applicant believes Paragraph 7 is a conclusion of law to which no response is
18 required. To the extent a response is deemed required, Applicant denies these allegations.

19 8. Applicant is without sufficient knowledge or information to form a belief as to the
20 truth of the allegations contained in Paragraph 8 of the Opposition, and on that basis denies each
21 and every allegation contained therein.

22 9. Applicant is without sufficient knowledge or information to form a belief as to the
23 truth of the allegations contained in Paragraph 9 of the Opposition, and on that basis denies each
24 and every allegation contained therein.

25 10. Applicant admits that Application Serial No. 88110709 does not contain a
26 restriction as to channels of trade or type of customer. As to the remaining allegations contained
27 in Paragraph 10, they are a conclusion of law to which no response is required. To the extent
28 a response is deemed required, Applicant denies these allegations.

1 11. Applicant believes Paragraph 11 is a conclusion of law to which no response is
2 required. To the extent a response is deemed required, Applicant denies these allegations.

3 12. Applicant believes Paragraph 12 is a conclusion of law to which no response is
4 required. To the extent a response is deemed required, Applicant denies these allegations.

5 **AFFIRMATIVE DEFENSES**

6 **FIRST AFFIRMATIVE DEFENSE**

7 **(Estoppel)**

8 13. Because Opposer's trademark exists in a crowded field of RED-formative
9 trademarks, some of which enjoy priority with respect to certain Opposer's Marks, and Opposer
10 has enjoyed the benefits of coexistence in this crowded field, the Opposition is barred under the
11 doctrine of estoppel.

12 **SECOND AFFIRMATIVE DEFENSE**

13 **(Unclean Hands)**

14 14. Opposer's claims are barred, in whole or in part, by the doctrine of unclean hands.

15 **THIRD AFFIRMATIVE DEFENSE**

16 **(Narrow Scope of Trademark Protection)**

17 15. Because Opposer's trademark exists in a crowded field of RED-formative
18 trademarks for the relevant goods and services, it is entitled to a narrow scope of trademark
19 protection and it is not entitled to relief here.

20 Applicant reserves the right to amend its answer to add additional or other affirmative
21 defenses as may become necessary after a reasonable opportunity for appropriate discovery.

22 Dated: August 2 , 2019

COBLENTZ PATCH DUFFY & BASS LLP

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By: /Thomas A. Harvey /
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Attorneys for Applicant
REDMINT, LLC

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CERTIFICATE OF TRANSMISSION

I hereby certify that on August 2, 2019, I electronically filed the foregoing ANSWER TO NOTICE OF OPPOSITION (Serial No. 88110709) with the Trademark Trial and Appeal Board.

/Thomas A. Harvey/

CERTIFICATE OF SERVICE

I hereby certify that on August 2, 2019, a true and correct copy of the attached ANSWER TO NOTICE OF OPPOSITION was served on Applicant via email, addressed to:

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