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

Proceeding	91249276
Party	Defendant FIDO Alliance, Inc.
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Submission	Answer
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of Application Serial No.: 88/120,383

**fido**

Mark:

Applicant: Fido Alliance, Inc.

Filed: September 17, 2018

Published in the Official Gazette on April 23, 2019

Fair Isaac Corporation	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91249276
	:	
	:	
Fido Alliance, Inc.,	:	
	:	
Applicant.	:	

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**ANSWER TO NOTICE OF OPPOSITION  
AND AFFIRMATIVE DEFENSES**

Fido Alliance, Inc., Applicant in the above-captioned action, by and through its attorneys, Blank Rome LLP, answers the allegations contained in Opposer’s Notice of Opposition as follows:

1. Applicant is without sufficient knowledge to admit or deny the allegations contained in paragraph 1 of the Notice, and thus denies the same, and leaves Opposer to its proofs.
  
2. Applicant is without sufficient knowledge to admit or deny the allegations contained in paragraph 2 of the Notice, and thus denies the same, and leaves Opposer to its proofs.

3. Applicant is without sufficient knowledge to admit or deny the allegations contained in paragraph 3 of the Notice, and thus denies the same, and leaves Opposer to its proofs.

4. Admitted that the copies of the registration certificates for the registrations Opposer sets forth in paragraph 4 and the TESS printout for the application state what they purport to state. Applicant is without sufficient knowledge to admit or deny the remaining allegations contained in paragraph 4 of the Notice, and thus leaves Opposer to its proofs.

5. Applicant is without sufficient knowledge to admit or deny the allegations contained in paragraph 5 of the Notice, and thus denies the same, and leaves Opposer to its proofs.

6. Applicant is without sufficient knowledge to admit or deny the allegations contained in paragraph 6 of the Notice, and thus denies the same, and leaves Opposer to its proofs.

7. Paragraph 7 sets forth legal conclusions regarding the alleged inherent distinctiveness of the FICO Marks, to which no response is required. Applicant is without sufficient knowledge to admit or deny the remaining allegations contained in paragraph 7 of the Notice, and thus denies the same, and leaves Opposer to its proofs.

8. Applicant is without sufficient knowledge to admit or deny the allegations contained in paragraph 8 of the Notice, and thus denies the same, and leaves Opposer to its proofs.

9. Applicant is without sufficient knowledge to admit or deny the allegations contained in paragraph 9 of the Notice, and thus denies the same, and leaves Opposer to its proofs.

10. Applicant is without sufficient knowledge to admit or deny the allegations contained in paragraph 10 of the Notice, and thus denies the same, and leaves Opposer to its proofs.

11. Applicant is without sufficient knowledge to admit or deny the allegations contained in paragraph 11 of the Notice, and thus denies the same, and leaves Opposer to its proofs.

12. Applicant is without sufficient knowledge to admit or deny the allegations contained in paragraph 12 of the Notice, and thus denies the same, and leaves Opposer to its proofs.

13. Applicant is without sufficient knowledge to admit or deny the allegations contained in paragraph 13 of the Notice, and thus denies the same, and leaves Opposer to its proofs.

14. Admitted.

15. Admitted.

16. Admitted.

17. Denied.

18. Admitted.

19. Admitted.

20. Admitted.

21. Applicant is without sufficient knowledge to admit or deny the allegations contained in paragraph 21 of the Notice, and thus denies the same, and leaves Opposer to its proofs.

22. Applicant is without sufficient knowledge to admit or deny the allegations contained in paragraph 22 of the Notice, and thus denies the same, and leaves Opposer to its proofs.

23. Denied.

24. Applicant is without sufficient knowledge to admit or deny the allegations contained in paragraph 24 of the Notice, and thus denies the same, and leaves Opposer to its proofs.

25. Applicant is without sufficient knowledge to admit or deny the allegations contained in paragraph 25 of the Notice, and thus denies the same, and leaves Opposer to its proofs.

26. Denied.

27. Denied.

28. Denied.

29. Denied.

30. Denied.

31. Admitted that the application of the FIDO Mark is for goods and services in International Classes 9, 35, 36, and 42. Applicant is without sufficient knowledge to admit or deny the remaining allegations contained in paragraph 31 of the Notice, and thus leaves Opposer to its proofs.

32. Denied.

33. Denied.

34. Denied.

35. Denied.

36. Denied.
37. Denied.
38. Denied.
39. Denied.
40. Denied.

### **AFFIRMATIVE DEFENSES**

1. There is no likelihood of confusion between Applicant's FIDO Mark as applied to its goods in class 9 and/or its services in classes 35, 36, 42 and Opposer's FICO Marks as applied to its goods in classes 9 and/or 16, and/or its services in classes 35, 36, 41, 42, as set forth in paragraph 4 of the Notice, in view of the cumulative differences between the parties' respective marks and the nature of their respective goods and services and the sophistication of the relevant purchasing public.

2. Opposer fails to state a claim upon which relief may be granted.

3. Opposer fails to state an adequate basis for some or all of its claims.

4. Applicant reserves the right to assert all defenses disclosed or developed in the course of discovery or trial.

5. Opposer's claims for relief are barred in whole or in part by laches, acquiescence, and estoppel.

WHEREFORE, Applicant prays that this opposition be dismissed with prejudice.

Respectfully submitted,

FIDO ALLIANCE, INC.

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Attorneys for Applicant

Date: July 17, 2019

**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the Answer to the Notice of Opposition and Affirmative Defenses was served upon Opposer's attorney of record, on this 17th day of July, 2019, via electronic mail at the address below:

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