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

| | |
|---------------------------|---|
| Proceeding | 91249909 |
| Party | Defendant Validifi, LLC |
| Correspondence Address | DALE PAUL DIMAGGIO MALIN HALEY DIMAGGIO & BOWEN PA 4901 NW 17TH WAY, SUITE 308 FORT LAUDERDALE, FL 33309 UNITED STATES info@mhdpatents.com 954-763-3303 |
| Submission | Answer |
| Filer's Name | Dale Paul DiMaggio |
| Filer's email | info@mhdpatents.com |
| Signature | /Dale Paul DiMaggio/ |
| Date | 10/01/2019 |
| Attachments | Answer.pdf(67374 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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|--------------------------------------|---|-------------------------|
| Valid Soluções S.A., |) | |
| a Brazilian joint stock company, |) | |
| |) | |
| Opposer, |) | Opposition No. 91249909 |
| |) | Serial No. 88279376 |
| v. |) | Mark: VALIDIFI |
| |) | Filed: January 28, 2019 |
| ValidiFI, LLC. |) | Published: July 2, 2019 |
| a Florida limited liability company, |) | |
| |) | |
| Applicant. |) | |
| _____ |) | |

ANSWER TO NOTICE OF OPPOSITION

Comes now Applicant, ValidiFI, LLC, a Florida limited liability company having an address at 1000 Sawgrass Corporate Pkwy, Suite 120, Sunrise, Florida 33323, by and through the undersigned counsel, and answers the Notice of Opposition filed by Valid Soluções S.A. (“Opposer”), as follows:

1. Applicant is without sufficient information upon which to form a belief as to the truth, falsity or completeness of the allegations contained in paragraph 1 of the Notice of Opposition and therefore denies the same.

2. Applicant is without sufficient information upon which to form a belief as to the truth, falsity or completeness of the allegations contained in paragraph 2 of the Notice of Opposition and therefore denies the same.

3. Applicant is without sufficient information upon which to form a belief as to the truth, falsity or completeness of the allegations contained in paragraph 3 of the Notice of Opposition and therefore denies the same.

4. Applicant is without sufficient information upon which to form a belief as to the truth, falsity or completeness of the allegations contained in paragraph 4 of the Notice of Opposition and therefore denies the same.

5. Applicant is without sufficient information upon which to form a belief as to the truth, falsity or completeness of the allegations contained in paragraph 5 of the Notice of Opposition and therefore denies the same.

5. (Following Opposer's duplicate numbering) Applicant is without sufficient information upon which to form a belief as to the truth, falsity or completeness of the allegations contained in paragraph 5 of the Notice of Opposition and therefore denies the same.

6. Applicant admits it filed its application as an ITU on January 28, 2019, but for the remaining allegations, Applicant is without sufficient information upon which to form a belief as to the truth, falsity or completeness of the allegations contained in paragraph 6 of the Notice of Opposition and therefore denies the same

7. Applicant admits the allegations contained in paragraph 7 of the Notice of Opposition.

8. Applicant admits using the word "verification" at times; however, such use is not the meaning of Applicant's mark VALIDIFI; Applicant denies the remaining allegations contained in paragraph 8 of the Notice of Opposition.

9. Applicant denies the allegations contained in paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations contained in paragraph 10 of the Notice of Opposition.

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

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE- FAILURE TO STATE A CLAIM

12. Opposer fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE - NO LIKELIHOOD OF CONFUSION

13. A likelihood of confusion does not exist between the marks. The marks contain different terms, “VALID” versus “VALIDIFI,” which sufficiently distinguish the marks in terms of sight, sound and meaning and create different commercial impressions. The term VALID commonly means having legal efficacy, or justifiable/logically correct. In contrast, Applicant’s mark VALIDIFI is fanciful, a coined term and unique mark with no dictionary definition. The “FI” in Applicant’s mark connotes financial institutions. The marks as a whole clearly convey different meanings and commercial impressions in relation to the respective and distinguishable services and channels of trade. Thus, the marks in their entireties are not visually or phonetically similar, have different meanings and create distinct commercial impressions with different services and channels of trade such that consumers will not be confused as to the source of the respective services.

WHEREFORE, Applicant, ValidiFI, LLC, respectfully demands judgment dismissing the Registrant’s Notice of Opposition against Applicant’s Serial No. 88279376, and that this Answer and Affirmative Defenses in response to such opposition be sustained, that Judgment is entered in Applicant’s favor, and that Applicant’s mark proceeds through the Registration process.

Date: October 1, 2019

Respectfully Submitted By:

By: /Dale Paul DiMaggio/
Dale Paul DiMaggio

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CERTIFICATE OF SERVICE

I hereby certify this **ANSWER TO NOTICE OF OPPOSITION** is being filed electronically this day with the U.S. Trademark Trial and Appeal Board, and one copy of the foregoing is being emailed to Opposer's counsel of record this 1st day of October, 2019:

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By: /Dale Paul DiMaggio/
Dale Paul DiMaggio
Attorney for Applicant