

ESTTA Tracking number: **ESTTA1016400**

Filing date: **11/18/2019**

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

Proceeding	91250108
Party	Defendant Rocky Mountain School of Art, Inc.
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Submission	Answer
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Date	11/18/2019
Attachments	Answer and Affirmative Defenses.pdf(136315 bytes)

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

ROCKEY MOUNTAIN UNIVERSITY) Opposition No. 91250108
OF HEALTH PROFESSIONS, INC.) TM App. Serial No. 88/055950
)
Opposer,)
v.)
)
)
ROCKY MOUNTAIN SCHOOL OF ART,)
INC.)
)
Applicant.)
_____)
)

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION
AND AFFIRMATIVE DEFENSES

Rocky Mountain School of Art, Inc, (“Applicant”), through its undersigned counsel, hereby submits its Answer and Affirmative Defenses to the Notice of Opposition (“Opposition”) filed by Opposer Rocky Mountain University of Health Professionals, Inc. Applicant admits that it is the owner of U.S. Trademark Application Serial No. 88/055950 for the mark **ROCKY MOUNTAIN UNIVERSITY OF ART + DESIGN** (the “’950 Application”) as directed to “downloadable video recordings and computer software featuring pre-recorded courses of instruction, seminars, conferences and workshops, all in the fields of art, animation, fine arts, graphic design, art education and instructor credentialing in the field of art education, illustration and foundation studies relating to art education; downloadable course materials and texts in the fields of art, animation, fine arts, graphic design, art education and instructor credentialing in the field of art education, illustration and foundation studies relating to art education” (International Class 9), “[e]ducational services, namely, offering on-line and live courses of instruction in the

fields of art, animation, fine arts, graphic design, art education and instructor credentialing, illustration and foundation studies; educational services, namely, providing a website featuring non-downloadable prerecorded instructional videos featuring seminars, conferences and workshops, all in the fields of art, animation, fine arts, graphic design, art education and instructor credentialing in the field of art education, illustration and foundation studies relating to art education; educational services, namely, providing online, live and non-downloadable prerecorded courses of instruction, seminars, conferences and workshops, all in the fields of art, animation, fine arts, graphic design, art education and instructor credentialing in the field of art education, illustration and foundation studies relating to art education” (International Class 41) and “[p]roviding a website featuring non-downloadable computer software featuring seminars, conferences and workshops, all in the fields of art, animation, fine arts, graphic design, art education and instructor credentialing in the field of art education, illustration and foundation studies relating to art education” (International Class 42), which was published for opposition on June 25, 2019. Applicant denies that Opposer will be damaged by the registration of the ’950 Application, and in support of registration, states as follows:

1. Applicant is without knowledge or information sufficient to admit or deny the allegations contained in Paragraph 1 of the Opposition, and based upon such lack of knowledge or information, hereby denies same.

2. Applicant is without knowledge or information sufficient to admit or deny the allegations contained in Paragraph 2 of the Opposition, and based upon such lack of knowledge or information, hereby denies same.

3. Applicant is without knowledge or information sufficient to admit or deny the allegations contained in Paragraph 3 of the Opposition, and based upon such lack of knowledge or information, hereby denies same.

4. Applicant is without knowledge or information sufficient to admit or deny the allegations contained in Paragraph 4 of the Opposition, and based upon such lack of knowledge or information, hereby denies same.

5. Applicant is without knowledge or information sufficient to admit or deny the allegations contained in Paragraph 5 of the Opposition, and based upon such lack of knowledge or information, hereby denies same.

6. Applicant is without knowledge or information sufficient to admit or deny the allegations contained in Paragraph 6 of the Opposition, and based upon such lack of knowledge or information, hereby denies same.

7. Applicant denies the allegations of Paragraph 7 of the Opposition.

8. Applicant denies the allegations of Paragraph 8 of the Opposition.

9. Applicant denies the allegations of Paragraph 9 of the Opposition.

10. Applicant denies the allegations of Paragraph 10 of the Opposition.

11. Applicant denies the allegations of Paragraph 11 of the Opposition.

12. Applicant denies the allegations of Paragraph 12 of the Opposition.

AFFIRMATIVE DEFENSES

1. The mark identified in the '950 Application is not confusingly similar to the marks identified within Registration Nos. 5436063, 5441224 or to Opposer's other trademarks.

2. The goods and services mark identified in the '950 Application are not confusingly similar to the goods or services identified within Registration Nos. 5436063, 5441224 or within Opposer's other trademarks.

3. Opposer and/or Opposer's trademarks are not likely to be damaged or harmed by registration of the mark identified in the '950 Application.

WHEREFORE, Applicant respectfully requests that the Opposition be dismissed with prejudice and that the '950 Application permitted to proceed to registration; and such other relief as the Board deems just and proper.

Dated: November 18, 2019

Respectfully Submitted,

/David L. Sigalow/
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Certificate of Service

The undersigned hereby certifies that on this 18th day of November, 2019, a copy of the foregoing was served via first class mail, postage prepaid, and by electronic mail, on the following counsel of record:

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Attorney for Opposer

David L. Sigalow _____
David L. Sigalow