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

Proceeding	91250775
Party	Plaintiff Mirage Granito Ceramico S.P.A.
Correspondence Address	WESLEY W WHITMYER JR WHITMYER IP GROUP LLC 600 SUMMER STREET STAMFORD, CT 06901 UNITED STATES litigation@whipgroup.com 203-703-0800
Submission	Answer to Counterclaim
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Date	12/02/2019
Attachments	Answer to Applicants Counterclaims.pdf(134666 bytes)

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

MIRAGE GRANITO CERMANICO S.P.A.	:	
	:	
Opposer,	:	
v.	:	Opposition No. 91250775
	:	
SHOREMASTER, LLC	:	
	:	
Applicant.	:	

**U.S. Trademark Application Serial No. 88183421
Mark: INFINITY**

OPPOSER’S ANSWER TO APPLICANT’S COUNTERCLAIMS

Opposer, Mirage Granito Ceramic S.P.A. (“Mirage” or “Opposer”) denies that Applicant, Shoremaster, LLC (“Shoremaster”) is entitled to any relief sought in its Counterclaims (see Answer to Notice of Opposition and Counterclaims) and responds below to the numbered grounds for Applicant’s Counterclaims in this matter as follows:

1. Opposer is without knowledge sufficient to form a belief as to the truth of the allegations in paragraph 1 and therefore denies the same.
2. Admitted.
3. Application Serial No. 88183421 and the file history thereof speaks for itself. Opposer denies any remaining allegations of paragraph 3.
4. Admitted.
5. Opposer makes no answer to those allegations in paragraph 5 that purport to state legal conclusions. Opposer denies any remaining allegations of paragraph 5.
6. Admitted.
7. Opposer admits that it is the owner of U.S. Registration No. 3360020 (“’020 Registration”) for the mark INFINITY. Opposer makes no answer to the allegations in paragraph 7 that refer to the records of the USPTO, whose contents speak for themselves.
8. Opposer admits that it filed a Combined Declaration of Continued Use/Excusable Neglect on November 21, 2013. Opposer makes no answer to the allegations of paragraph 8 that refer to the records of the USPTO, whose contents speak for themselves.
9. Denied.

10. Denied.
11. Denied.
12. Admitted.
13. Opposer admits that it is the owner of U.S. Registration No. 5614033 (“033 Registration”) for the mark INFINITY. Opposer makes no answer to the allegations in paragraph 13 that refer to the records of the USPTO, whose contents speak for themselves.
14. Denied.
15. Opposer admits that Opposer’s counsel sent a letter to Applicant on September 10, 2019 enclosing a link to www.infinitysurfaces.it, which is owned by Opposer. Opposer denies any remaining allegations of paragraph 15.
16. Denied.
17. Opposer reasserts and incorporates its answers to Paragraphs 1 through 16 above as if fully set forth herein.
18. Denied.
19. Denied.
20. Denied.
21. Denied.
22. Opposer reasserts and incorporates its answers to Paragraphs 1 through 21 above as if fully set forth herein.
23. Denied.
24. Denied.
25. Denied.
26. Denied.

WHEREFORE, Opposer requests that Applicant’s counterclaims be dismissed, that Application Serial No. 88183421 be refused registration; and for such further relief as may be proper.

Respectfully submitted,

December 2, 2019

/s/ Wesley W. Whitmyer, Jr.

Wesley W. Whitmyer, Jr.

Robert D. Keeler

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Attorneys for Applicant,

Mirage Granito Ceramic S.P.A.

CERTIFICATE OF SERVICE

This is to certify that a true copy of the foregoing **OPPOSER'S ANSWER TO APPLICANT'S COUNTERCLAIMS** was served by electronic mail on the Counsel for the Opposer as follows:

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December 2, 2019
Date

/s/ Joan M. Burnett
Joan M. Burnett