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

Proceeding	91250931
Party	Plaintiff Joh. Winklhofer Beteiligungs GmbH & Co.KG
Correspondence Address	LISA C. PAVENTO MEUNIER CARLIN & CURFMAN LLC 999 PEACHTREE ST. NE SUITE 1300 ATLANTA, GA 30309 UNITED STATES lpavento@mcciplaw.com, ksvenson@mcciplaw.com, litdocket-ing@mcciplaw.com 404-645-7700
Submission	Answer to Counterclaim
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Signature	/Lisa C. Pavento/
Date	10/31/2019
Attachments	91250931 Answer.pdf(109180 bytes)

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

In the matter of Trademark Application Serial No. 88/286,120
Published for Opposition in the Official Gazette on May 21, 2019

JOH. WINKLHOFER BETEILIGUNGS GMBH & CO. KG.	)	Opposition No. 91250931
Opposer,	)	Mark: ELITE
v.	)	
MARTIN SPROCKET & GEAR, INC.	)	
Applicant.	)	

COUNTERCLAIM AND AFFIRMATIVE DEFENSE ANSWER

Opposer, Joh. Winklhofer Beteiligungs GmbH & Co. KG ("Winklhofer" or "Opposer"), by and through its attorneys, hereby submit this Answer to Martin Sprocket & Gear, Inc. ("Martin Sprocket" or "Applicant")'s Counterclaim and Affirmative Defense. The Trademark Trial and Appeal Board set a deadline of November 1, 2019 for the filing of Winklhofer's Answer to the Counterclaim. Accordingly, this Answer is timely.

AFFIRMATIVE DEFENSE ANSWER

Winklhofer provides the following answers to Martin Sprocket's Affirmative Defense:

22. Opposer lacks sufficient knowledge or information to admit or deny the allegations of the second through fourth sentences of paragraph 22. Opposer also notes that there was no Exhibit A attached to Applicant's Answer and Counterclaim. Accordingly, Opposer denies these allegations on that basis. Opposer admits the allegations in the fifth sentence of

paragraph 22. Opposer denies the remaining allegations of paragraph 22.

COUNTERCLAIM ANSWER

23. Opposer repeats its answers and denials set forth in each of the preceding paragraphs.

24. Opposer admits the allegations of paragraph 24.

25. Opposer admits the allegations of paragraph 25.

26. Opposer denies the allegations of paragraph 26.

27. Opposer denies the allegations of paragraph 27.

28. Opposer denies the allegations of paragraph 28.

MEUNIER CARLIN & CURFMAN LLC

Attorneys for Opposer

Dated: October 31, 2019
Atlanta, Georgia

By: /Lisa C. Pavento/
Lisa C. Pavento
999 Peachtree Street NE, Suite 1300
Atlanta, Georgia 30309

CERTIFICATE OF ELECTRONIC TRANSMISSION

I hereby certify that this correspondence is being transmitted electronically through ESTTA pursuant to 37 C.F.R. § 2.195(a) on October 31, 2019.

/Lisa C. Pavento/
Lisa C. Pavento

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing has been served on October 31, 2019 via email to all counsel of record at the following address:

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By: /Lisa C. Pavento/
Lisa C. Pavento