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

Proceeding	91251537
Party	Defendant Bugsby Property LLC
Correspondence Address	KRISTIN S CORNUELLE ORRICK HERRINGTON & SUTCLIFFE LLP 2050 MAIN ST STE 1100 IRVINE, CA 92614 UNITED STATES ipprosecution@orrick.com, kcornuelle@orrick.com, mweddington@orrick.com 503-943-4828
Submission	Answer
Filer's Name	Richard Mooney
Filer's email	richard.mooney@rjmlitigation.com
Signature	/Richard Mooney/
Date	03/20/2020
Attachments	200320 answer 91251537.pdf(84227 bytes)

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

4 In the Matter of Serial Number 88/284,752

5 Trademark: INCLUSIVE INNOVATION

6
7 Alexandria Real Estate Equities, Inc.,

8 Opposer,

9 v.

10 Bugsby Property, LLC,

11 Applicant.
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13
14

OPPOSITION NO. 91251537

**Answer and Affirmative Defenses of Bugsby
Property, LLC**

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16 **Answer and Affirmative Defenses of Bugsby Property, LLC**

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18 Applicant Bugsby Property, LLC (“Applicant”) hereby responds to and answers the
19 October 9, 2019 Notice of Opposition (the “Opposition”) filed by Opposer Alexandria Real Estate
20 Equities, Inc. (“ARE”) as follows:
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22 Applicant denies the allegations in the unnumbered preamble to the Opposition.

23 1. Applicant admits that it is Bugsby Property, LLC. To the extent so implied,
24 Applicant denies that it is located or headquartered in Delaware. Except as thus expressly admitted,
25 Applicant denies each allegation explicit or implicit in this paragraph.
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1 2. Applicant admits that it seeks to register the INCLUSIVE INNOVATION
2 trademark. Except as thus expressly admitted, Applicant denies each allegation explicit or implicit
3 in this paragraph.

4 3. Applicant admits the allegations of this paragraph.

5 4. Applicant denies the allegations of this paragraph.

6 5. Applicant denies the allegations of this paragraph.

7 6. Applicant denies the allegations of this paragraph.

8 7. Applicant lacks sufficient information to form an opinion or belief regarding
9 the veracity of the allegations in this paragraph, and on that basis denies them.

10 8. Applicant lacks sufficient information to form an opinion or belief regarding
11 the veracity of the allegations in this paragraph, and on that basis denies them.

12 9. Applicant lacks sufficient information to form an opinion or belief regarding
13 the veracity of the allegations in this paragraph, and on that basis denies them.

14 10. Applicant lacks sufficient information to form an opinion or belief regarding
15 the veracity of the allegations in this paragraph, and on that basis denies them.

16 11. Applicant lacks sufficient information to form an opinion or belief regarding
17 the veracity of the allegations in this paragraph, and on that basis denies them.

18 12. Applicant denies the allegations of this paragraph.

19 13. Applicant lacks sufficient information to form an opinion or belief regarding
20 the veracity of the allegations in this paragraph, and on that basis denies them.

21 14. Applicant lacks sufficient information to form an opinion or belief regarding
22 the veracity of the allegations in this paragraph, and on that basis denies them.

23 15. Applicant lacks sufficient information to form an opinion or belief regarding
24 the veracity of the allegations in this paragraph, and on that basis denies them.

25 16. Applicant denies the allegations of this paragraph.

26 17. Applicant denies the allegations of this paragraph.

27 18. Applicant denies the allegations of this paragraph.

1 19. Applicant denies the allegations of this paragraph.

2 20. Applicant denies the allegations of this paragraph.

3 21. Applicant denies the allegations of this paragraph.

4 22. Applicant denies the allegations of this paragraph.

5 23. Applicant lacks sufficient information to form an opinion or belief regarding
6 the veracity of the allegations in this paragraph, and on that basis denies them.

7 24. Applicant denies the allegations of this paragraph.

8 25. Applicant admits the first sentence of this paragraph. Applicant lacks
9 sufficient information to form an opinion or belief regarding the veracity of the remaining
10 allegations in this paragraph, and on that basis denies them.

11 26. Applicant admits the first clause of this paragraph. Applicant lacks sufficient
12 information to form an opinion or belief regarding the veracity of the allegations in this paragraph,
13 and on that basis denies them.

14 27. Applicant denies the allegations of this paragraph.

15 28. Applicant denies the allegations of this paragraph.

16 29. Applicant denies the allegations of this paragraph.

17 Applicant denies the allegations of the unnumbered concluding paragraph.

18 **Affirmative Defenses**

19 Applicant undertakes the burden of proof only as to those defenses determined to be
20 affirmative defenses by law, regardless of how such defenses are denominated below. Applicant
21 expressly reserves the right to plead additional affirmative and other defenses should any such
22 defenses be revealed by discovery in this case or otherwise. As and for its affirmative and other
23 defenses, Applicant states as follows:
24

25 1. The opposition fails to state a claim on which relief can be granted.

26 2. Applicant alleges on information and belief that as a result of Opposer's own
27 acts and/or omissions, the Opposition is barred by the doctrine of laches.
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1 3. Applicant alleges on information and belief that the Opposition is barred by
2 the doctrine of estoppel.

3 4. Applicant alleges on information and belief that as a result of Opposer's own
4 acts and/or omissions, Opposer has waived any right to pursue its Opposition.

5 5. Applicant alleges on information and belief that the Opposition is barred by
6 the doctrine of acquiescence.

7 6. Applicant alleges on information and belief that the Opposition is barred by
8 the doctrine of unclean hands.

9 7. Applicant alleges on information and belief that the Opposition is barred by
10 Opposer's fraudulent conduct.

11 **Prayer**

12 Wherefore, Applicant respectfully requests that ARE's Opposition be denied, that
13 registration of Application Serial No. 88/284,752 be granted, and that Applicant be granted such
14 other and further relief as is deemed proper.
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17 Dated: March 20, 2020

RJM Litigation Group

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20 By: /s/ Richard Mooney
21 Richard Mooney (CA State Bar No. 176486)
22 Attorneys for Applicant Bugsby Property, LLC
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Certificate of Service

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The undersigned certifies that a copy of the foregoing *Answer and Affirmative Defenses of Bugsby Property, LLC* is being served upon counsel for Opposer on March 20, 2020 to the following email address: pto-oc@gibsondunn.com.

By: /s/ Richard Mooney
Richard Mooney