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

Proceeding	91251817
Party	Defendant Brandywine Oak Private Wealth LLC
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

BRANDYWINE GLOBAL INVESTMENT)
MANAGEMENT, LLC,)
)
Opposer,)
)
v.)
)
BRANDYWINE OAK PRIVATE)
WEALTH LLC)
Applicant.)
_____)

Opposition No. 91251817

Mark:  Brandywine Oak
PRIVATE WEALTH

Serial No. 88/193,745

Commissioner for Trademarks
Trademark Trial and Appeal Board
U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Applicant, Brandywine Oak Private Wealth LLC (“Applicant”), by and through its undersigned counsel, hereby answers the Notice of Opposition filed by Brandywine Global Investment Management, LLC (“Opposer”) as follows:

1. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 1 of the Notice of Opposition, and therefore denies said allegations.
2. In regards to Paragraph 2, Applicant admits that the allegations set forth in Paragraph 2 of the Notice of Opposition appear to reflect information contained in the online records of the USPTO in regards to Reg. No. 4,121,207. To the extent that there are any discrepancies between the USPTO’s online records and the allegations of Paragraph 2, inaccuracies in the USPTO’s online records, or additional allegations in Paragraph 2, Applicant is without

knowledge of information sufficient to form a belief as to the truth or falsity of said allegations in Paragraph 2 of the Notice of Opposition, and therefore denies said allegations.


3. In regards to Paragraph 3, Applicant admits that the allegations set forth in Paragraph 3 of the Notice of Opposition appear to reflect information contained in the online records of the USPTO in regards to Reg. No. 3,388,989. To the extent that there are any discrepancies between the USPTO's online records and the allegations of Paragraph 3, inaccuracies in the USPTO's online records, or additional allegations in Paragraph 3, Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of said allegations in Paragraph 3 of the Notice of Opposition, and therefore denies said allegations.
4. In regards to Paragraph 4, Applicant admits that the allegations set forth in Paragraph 4 of the Notice of Opposition appear to reflect information contained in the online records of the USPTO in regards to Reg. No. 3,562,520. To the extent that there are any discrepancies between the USPTO's online records and the allegations of Paragraph 4, inaccuracies in the USPTO's online records, or additional allegations in Paragraph 4, Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of said allegations in Paragraph 4 of the Notice of Opposition, and therefore denies said allegations.
5. In regards to Paragraph 5, Applicant admits that the allegations set forth in Paragraph 5 of the Notice of Opposition appear to reflect information contained in the online records of the USPTO in regards to Reg. No. 3,887,541. To the extent that there are any discrepancies between the USPTO's online records and the allegations of Paragraph 5, inaccuracies in the USPTO's online records, or additional allegations in Paragraph 5, Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of said allegations in Paragraph 5 of the Notice of Opposition, and therefore denies said allegations.

6. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 6 of the Notice of Opposition, and therefore denies said allegations.
7. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 7 of the Notice of Opposition, and therefore denies said allegations.
8. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 8 of the Notice of Opposition, and therefore denies said allegations.
9. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 9 of the Notice of Opposition, and therefore denies said allegations.
10. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 10 of the Notice of Opposition, and therefore denies said allegations.
11. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 11 of the Notice of Opposition, and therefore denies said allegations.
12. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 12 of the Notice of Opposition, and therefore denies said allegations.

13. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 13 of the Notice of Opposition, and therefore denies said allegations.
14. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 14 of the Notice of Opposition, and therefore denies said allegations.
15. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 15 of the Notice of Opposition, and therefore denies said allegations.
16. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 16 of the Notice of Opposition, and therefore denies said allegations.
17. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 17 of the Notice of Opposition, and therefore denies said allegations.
18. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 18 of the Notice of Opposition, and therefore denies said allegations.
19. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 19 of the Notice of Opposition, and therefore denies said allegations.

20. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 20 of the Notice of Opposition, and therefore denies said allegations.
21. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 21 of the Notice of Opposition, and therefore denies said allegations.
22. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 22 of the Notice of Opposition, and therefore denies said allegations.
23. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 23 of the Notice of Opposition, and therefore denies said allegations.
24. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 24 of the Notice of Opposition, and therefore denies said allegations.
25. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 25 of the Notice of Opposition, and therefore denies said allegations.
26. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 26 of the Notice of Opposition, and therefore denies said allegations.

27. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 27 of the Notice of Opposition, and therefore denies said allegations.
28. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 28 of the Notice of Opposition, and therefore denies said allegations.
29. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 29 of the Notice of Opposition, and therefore denies said allegations.
30. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 30 of the Notice of Opposition, and therefore denies said allegations.
31. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 31 of the Notice of Opposition, and therefore denies said allegations.
32. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 32 of the Notice of Opposition, and therefore denies said allegations.
33. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 33 of the Notice of Opposition, and therefore denies said allegations.

34. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 34 of the Notice of Opposition, and therefore denies said allegations.
35. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 35 of the Notice of Opposition, and therefore denies said allegations.
36. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 36 of the Notice of Opposition, and therefore denies said allegations.
37. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 37 of the Notice of Opposition, and therefore denies said allegations.
38. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 38 of the Notice of Opposition, and therefore denies said allegations.
39. Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 39 of the Notice of Opposition, and therefore denies said allegations.
40. In regards to Paragraph 40, Applicant admits that the USPTO's online records indicate that Applicant filed a trademark application for the mark  Brandywine Oak with the USPTO on November 14, 2018 for the specific services recited in Paragraph 40 of the Notice of Opposition, and that the application was assigned Serial No. 88/193,745. To the extent that

there are any discrepancies with the USPTO's online records or there are any additional allegations in Paragraph 40, Applicant denies them.

41. In regards to Paragraph 41 of the Notice of Opposition, Applicant admits that the USPTO's online records shows April 30, 2019 as the publication date of Serial No. 88/193,745. To the extent that there are any discrepancies in the USPTO's online records or there are any additional allegations in Paragraph 41, Applicant denies said discrepancies and allegations.

42. In regards to Paragraph 42 of the Notice of Opposition, as to the allegation that Opposer is not affiliated or connected with Applicant or its services, Applicant admits said allegation. As to the allegation Opposer has not endorsed or sponsored Applicant or its services, Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of said allegation, and therefore denies said allegation.


43. Applicant re-alleges and incorporates its answers to Paragraphs 1-42 above as if fully set forth herein.

44. Paragraph 44 of the Notice of Opposition is denied.

45. In regards to Paragraph 45 of the Notice of Opposition, to the extent Paragraph 45 alleges any confusing similarity between the services described in the BRANDYWINE OAK PRIVATE WEALTH & Design Application and the services rendered by Opposer under the BRANDYWINE Marks and identified in Opposer's trademark registrations, Applicant denies said allegations. As to the allegation that Opposer is not affiliated or connected with Applicant or its services, Applicant admits said allegation. As to the allegation Opposer has not endorsed or sponsored Applicant or its services, Applicant is without knowledge of information sufficient to form a belief as to the truth or falsity of said allegation, and therefore denies said allegation.

46. Paragraph 46 of the Notice of Opposition is denied.
47. Paragraph 47 of the Notice of Opposition is denied.
48. In regards to Paragraph 48 of the Notice of Opposition, to the extent Paragraph 48 alleges Opposer will be injured or the public confused or mistaken by Applicant's use of the BRANDYWINE OAK PRIVATE WEALTH & Design mark, Applicant denies said allegation. As to the allegation that Opposer cannot control the services Applicant offers under the BRANDYWINE OAK PRIVATE WEALTH & Design mark, Applicant admits said allegation.
49. Paragraph 49 of the Notice of Opposition is denied.
50. Paragraph 50 of the Notice of Opposition is denied.
51. Applicant expressly denies each and every allegation not expressly admitted herein.

AFFIRMATIVE DEFENSES

1. As to "Ground for Opposition: Likelihood of Confusion," in the Notice of Opposition, Applicant responds that Opposer has failed to state a claim on which relief may be granted.
2. As to "Ground for Opposition: Likelihood of Confusion," in the Notice of Opposition, Applicant responds that there is no likelihood of confusion, mistake, or deception between Applicant's mark  and Opposer's Brandywine Marks, due, in part, to differences in the parties' marks, in the parties' services, and in the parties respective trade channels and consumer audiences.

3. Applicant reserves the right to assert additional affirmative defenses and/or counterclaims in the event discovery or further investigation in this case indicates that such defenses and/or counterclaims are appropriate.

WHEREFORE, having fully answered, Applicant denies that Opposer could or would be damaged by the allowance of the present application for trademark registration and requests that the Opposition be dismissed with prejudice.

Respectfully submitted,



Date: 2nd of January, 2020

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION was served by email upon Opposer's attorney, at the email address of record below on this 2nd day of January, 2020:

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