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

Proceeding	91252023
Party	Defendant Military Movers Real Estate LLC
Correspondence Address	TAL GRINBLAT LEWITT, HACKMAN, SHAPIRO, MARSHALL & HAR 16633 VENTURA BLVD., SUITE 1100 ENCINO, CA 91436 tgrinblat@lewitthackman.com no phone number provided
Submission	Answer
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Signature	/Matthew Soroky/
Date	12/10/2019
Attachments	Answer and Affirmative Defenses.pdf(158293 bytes)

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

ELECTRONIC CREATIONS CORP.,

Opposer,

vs.

**MILITARY MOVERS REAL ESTATE
LLC,**

Applicant

Opposition No.: 91252023

Mark: MMRE

Class: 36

Application No. 88415329

**APPLICANT MILITARY MOVERS REAL ESTATE LLC'S ANSWER AND
AFFIRMATIVE DEFENSES TO OPPOSER ELECTRONIC CREATIONS CORP.'S
NOTICE OF OPPOSITION**

Applicant Military Movers Real Estate LLC (“Applicant”), owner of Application No. 88415329 files its Answer and Affirmative Defenses to the Notice of Opposition filed by Electronic Creations Corp., (“Opposer”), stating as follows:

ANSWER

1. Applicant is presently without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 1 of the Notice of Opposition, and on that basis denies them in their entirety.
2. Applicant is presently without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 2 of the Notice of Opposition, and on that basis denies them in their entirety.
3. Applicant denies the allegations contained in Paragraph 3 of the Notice of Opposition. Opposer registered the domain name to advertise it for sale. Opposer has not used the MMRE mark in any trademark manner. Opposer has no rights to the MMRE mark.

4. Applicant denies the allegations contained in Paragraph 4 of the Notice of Opposition. Opposer registered the domain name to advertise it for sale. Opposer has not used the MMRE mark in any trademark manner. Opposer has no rights to the MMRE mark.
5. Applicant denies the allegations contained in Paragraph 5 of the Notice of Opposition. Opposer registered the domain name to advertise it for sale. Opposer has not used the MMRE mark in any trademark manner. Opposer has no rights to the MMRE mark.
6. Applicant admits that it filed an application for MMRE on May 3, 2019, which was assigned Serial No. 88415329. As to the remainder of the allegations in Paragraph 6 of the Notice of Opposition, the records of the USPTO speak for themselves. Applicant denies the remaining allegations except as expressly admitted.
7. Applicant admits that Application Serial No. 88415329 contains the following Goods and Services Description: “Real estate brokerage services; Real estate consultation services; Providing real estate listings and real estate information; Providing information in the field of real estate; Real estate valuation services; Real estate consulting services.” As to the remainder of the allegations in Paragraph 7 of the Notice of Opposition, the records of the USPTO speak for themselves. Applicant denies the remaining allegations except as expressly admitted.
8. Applicant admits that Application Serial No. 88415329 contains a First Use in Commerce Date of May 1, 2016. As to the remainder of the allegations in Paragraph 8 of the Notice of Opposition, the records of the USPTO speak for themselves. Applicant denies the remaining allegations except as expressly admitted.

9. Applicant denies the allegations contained in Paragraph 9 of the Notice of Opposition. Applicant is the senior user of the MMRE mark. Opposer has not used the MMRE mark in any trademark manner.
10. Paragraph 10 states a legal conclusion to which no response is required.
11. Paragraph 11 states a legal conclusion to which no response is required.
12. Applicant denies the allegations contained in Paragraph 12 of the Notice of Opposition.
13. Applicant denies the allegations contained in Paragraph 13 of the Notice of Opposition.
14. Applicant denies the allegations contained in Paragraph 14 of the Notice of Opposition.
15. Applicant denies that Opposer is entitled to any of the relief contained in Opposer's prayer for relief.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Opposer has failed to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

Opposer is barred, in whole or in part, by the doctrine of unclean hands.

THIRD AFFIRMATIVE DEFENSE

Opposer is barred, in whole or in part, on the grounds of fraud on the Trademark Office.

FOURTH AFFIRMATIVE DEFENSE

Opposer is barred, in whole or in part, by the doctrine of laches.

FIFTH AFFIRMATIVE DEFENSE

Opposer did not adopt the mark in good faith.

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SIXTH AFFIRMATIVE DEFENSE

Opposer has not used the mark, in whole or in part, in connection with the goods and services alleged in its Notice of Opposition.

SEVENTH AFFIRMATIVE DEFENSE

Even if Opposer adopted and used the MMRE mark, which Applicant denies, Opposer's mark was abandoned due to non-use.

EIGHTH AFFIRMATIVE DEFENSE

Opposer is not the real party in interest to enforce all or some of the rights claimed in its Notice of Opposition.

NINTH AFFIRMATIVE DEFENSE

Opposer lacks standing to oppose this application.

TENTH AFFIRMATIVE DEFENSE

Opposer does not own valid rights to the MMRE mark.

ELEVENTH AFFIRMATIVE DEFENSE

Applicant reserves the right to assert such additional Affirmative Defenses as may be found to be applicable through or following discovery.

PRAYER FOR RELIEF

Wherefore, having fully answered Opposer's Notice of Opposition, Applicant respectfully prays:

- (i) that the Opposition be dismissed and/or denied in its entirety, with prejudice;
- (ii) that Judgment be entered in favor of Applicant on the Opposition and on each and every claim thereof;

- (iii) that Applicant's Application remain active and be allowed to mature to registration on the Principal Register; and
- (iv) that Applicant be granted such other and further relief as the Board deems just and proper.

Respectfully submitted,

/s/Matthew Soroky

Tal Grinblat, Esq.

State Bar No. 192842

Matthew J. Soroky, Esq.

State Bar No. 258230

Lewitt, Hackman, Shapiro, Marshall & Harlan

A Professional Law Corporation

16633 Ventura Boulevard, 11th Floor

Encino, CA 91436

Date: December 10, 2019

CERTIFICATE OF SERVICE

I, Brandi Gonzalez, hereby certify that a true and complete copy of the foregoing:

**APPLICANT MILITARY MOVERS REAL ESTATE LLC'S ANSWER AND
AFFIRMATIVE DEFENSES TO OPPOSER ELECTRONIC CREATIONS CORP.'S
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was served via email on Opposer and Opposer's last known attorney(s) of record on the date set forth below:

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Attorneys for Opposer

Executed on December 10, 2019 at Encino, California.

/s/ Brandi Gonzalez
Brandi Gonzalez