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

Proceeding	91253378
Party	Defendant Fellow Holdings LLC
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Date	02/18/2020
Attachments	Fellows Answer to Notice of Opposition File.pdf(133413 bytes)

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8
9 In the Matter of Application Serial No. 88488697

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11 **IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**
12 **BEFORE THE TRADEMARK TRIAL AND APPEALS BOARD**

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14 FELLOW INSIGHTS INC.,

15 Opposer,

16 v.

17 FELLOW HOLDINGS LLC,

18 Applicant.

ANSWER TO NOTICE OF OPPOSITION

Opposition No. 91253378

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20 **ANSWER TO NOTICE OF OPPOSITION**

21
22 Fellow Holdings LLC (“Applicant”) hereby answers the Notice of Opposition
23 (“Opposition”) filed by Fellow Insights, Inc. (“Opposer”). Applicant denies the allegation in the
24 unnumbered introductory paragraph of the Opposition which states that Opposer believes that it
25 will be damaged by the issuance of a registration for the mark FELLOW (“Applicant’s Mark”). In
26 response to the individually numbered paragraphs of the Opposition, Applicant responds as
27 follows:
28

1 1. Applicant is without sufficient knowledge or information to form a belief as to the
2 truth of the allegations contained in Paragraph 1 of the Opposition, and on that basis denies each
3 and every allegation contained therein.

4 2. Applicant admits that Opposer filed U.S. Trademark Application No. 88/582,519
5 on August 15, 2019 for the FELLOW name and mark, which application speaks for itself.
6 Applicant is without sufficient knowledge or information to form a belief as to the truth of the
7 remaining allegations contained in Paragraph 2 of the Opposition, and on that basis denies each
8 and every allegation contained therein.

9 3. Applicant is without sufficient knowledge or information to form a belief as to the
10 truth of the allegations contained in Paragraph 3 of the Opposition, and on that basis denies each
11 and every allegation contained therein.

12 4. Applicant is without sufficient knowledge or information to form a belief as to the
13 truth of the allegations contained in Paragraph 4 of the Opposition, and on that basis denies each
14 and every allegation contained therein.

15 5. Applicant is without sufficient knowledge or information to form a belief as to the
16 truth of the allegations contained in Paragraph 5 of the Opposition, and on that basis denies each
17 and every allegation contained therein.

18 6. Applicant is without sufficient knowledge or information to form a belief as to the
19 truth of the allegations that Applicant filed the instant Application “[a]fter the adoption and use by
20 Opposer of the FELLOW Mark” in Paragraph 6 of the Opposition, and on that basis denies the
21 allegation contained therein. Applicant admits that it filed the instant Application seeking
22 registration of the mark FELLOW for use on and in connection with “downloadable mobile
23 application for mentoring for women in the workforce, in International Class 009.”

24 7. Applicant believes Paragraph 7 is a conclusion of law to which no response is
25 required. To the extent a response is deemed required, Applicant denies these allegations.

26 8. Applicant is without sufficient knowledge or information to form a belief as to the
27 truth of the allegations contained in Paragraph 8 of the Opposition, and on that basis denies each
28 and every allegation contained therein.

1 9. Applicant is without sufficient knowledge or information to form a belief as to the
2 truth of the allegations contained in Paragraph 9 of the Opposition, and on that basis denies each
3 and every allegation contained therein.

4 10. Applicant believes Paragraph 10 is a conclusion of law to which no response is
5 required. To the extent a response is deemed required, Applicant denies these allegations.

6 11. Applicant believes Paragraph 11 is a conclusion of law to which no response is
7 required. To the extent a response is deemed required, Applicant denies these allegations.

8 **AFFIRMATIVE DEFENSES**

9 **FIRST AFFIRMATIVE DEFENSE**

10 (Equitable Estoppel)

11 12. Because Opposer did not seek to register its trademark until after Applicant sought
12 to register Applicant's Mark but has alleged it used its mark in commerce prior to Applicant's
13 application, the Opposition is barred under the doctrine of equitable estoppel.

14 **SECOND AFFIRMATIVE DEFENSE**

15 (Unclean Hands)

16 13. Opposer's claims are barred, in whole or in part, by the doctrine of unclean hands.

17 **THIRD AFFIRMATIVE DEFENSE**

18 (Narrow Scope of Trademark Protection)

19 14. Because Opposer seeks a trademark registration that exists in a crowded field of
20 FELLOW-formative trademarks for the relevant goods and services, it is entitled to a narrow
21 scope of trademark protection and it is not entitled to relief here.

22 **FOURTH AFFIRMATIVE DEFENSE**

23 (Absence of Likelihood Of Confusion)

24 15. Because Opposer's goods and services are unrelated to those of Applicant and
25 marketed through different channels of trade and are sold to a different class of consumers,
26 Opposer is not entitled to relief here.

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FIFTH AFFIRMATIVE DEFENSE

(Priority)

16. Because Applicant’s goods and services were introduced into commerce prior to those of Opposer, Applicant’s Mark has priority and Opposer is not entitled to relief here.

Applicant reserves the right to amend its answer to add additional or other affirmative defenses as may become necessary after a reasonable opportunity for appropriate discovery.

Dated: February 18, 2020

COBLENTZ PATCH DUFFY & BASS LLP

By: /s/ Thomas A. Harvey
THOMAS A. HARVEY
Attorneys for Applicant
FELLOW HOLDINGS LLC

CERTIFICATE OF TRANSMISSION AND SERVICE

I hereby certify that on February 18, 2020, I electronically filed the foregoing ANSWER TO NOTICE OF OPPOSITION (Serial No. 88488697) with the Trademark Trial and Appeal Board and served a copy via email on Opposer as addressed below.

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