

ESTTA Tracking number: **ESTTA1044202**

Filing date: **03/23/2020**

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

Proceeding	91253993
Party	Defendant LifeBridge 10000, LLC
Correspondence Address	MAX W. GARWOOD TAYLOR IP PC PO BOX 560 AVILLA, IN 46710 trademark@taylorip.com no phone number provided
Submission	Answer
Filer's Name	Max W. Garwood
Filer's email	trademark@taylorip.com
Signature	/Max W. Garwood/
Date	03/23/2020
Attachments	TRP0002.US.pdf(81255 bytes)

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

Novocure GMBH,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91253993
)	
LifeBridge 10000, LLC,)	
)	
Applicant.)	

**APPLICANT’S ANSWER AND AFFIRMATIVE DEFENSES TO OPPOSER’S NOTICE
OF OPPOSITION**

Applicant, LifeBridge 10000, LLC (“Applicant”), through counsel, hereby answers the Notice of Opposition filed by Novocure GMBH (“Opposer”) as follows. The paragraphs numbered below correspond to those numbered paragraphs in the Notice of Opposition. Applicant reserves the right to amend or supplement this Answer to the Notice of Opposition as appropriate.

ANSWER

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of the Notice of Opposition and therefore denies the same.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 of the Notice of Opposition and therefore denies the same.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 of the Notice of Opposition and therefore denies the same.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 of the Notice of Opposition and therefore denies the same.
5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 of the Notice of Opposition and therefore denies the same.
6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 of the Notice of Opposition and therefore denies the same.
7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7 of the Notice of Opposition and therefore denies the same.
8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8 of the Notice of Opposition and therefore denies the same.
9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 of the Notice of Opposition and therefore denies the same.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 of the Notice of Opposition and therefore denies the same.
11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 of the Notice of Opposition and therefore denies the same.
12. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 12 of the Notice of Opposition and therefore denies the same.
13. Applicant admits that the records of the U.S. Patent and Trademark Office (“USPTO”) indicate that Opposer has obtained the U.S. registrations for goods related to “tumor treating fields” as identified in Paragraph 13 of the Notice of Opposition.
14. Applicant denies the allegations contained in Paragraph 14 of the Notice of Opposition.
15. Applicant admits the allegations contained in Paragraph 15 of the Notice of Opposition.
16. Applicant admits the allegations contained in Paragraph 16 of the Notice of Opposition.
17. Applicant admits the allegations contained in Paragraph 17 of the Notice of Opposition.
18. Applicant denies the allegations contained in Paragraph 18 of the Notice of Opposition.

19. Applicant denies the allegations contained in Paragraph 19 of the Notice of Opposition.
20. Applicant denies the allegations contained in Paragraph 20 of the Notice of Opposition.
21. Applicant denies the allegations contained in Paragraph 21 of the Notice of Opposition.
22. Applicant denies the allegations contained in Paragraph 22 of the Notice of Opposition.
23. Applicant denies the allegations contained in Paragraph 23 of the Notice of Opposition.
24. Applicant admits in part and denies in part the allegations contained in Paragraph 24 of the Notice of Opposition. Applicant admits that it uses the acronym TTF on its website, but denies that such use is in a descriptive sense.
25. Applicant denies the allegations contained in Paragraph 25 of the Notice of Opposition.
26. Applicant denies the allegations contained in Paragraph 26 of the Notice of Opposition.
27. Applicant admits the allegations contained in Paragraph 27 of the Notice of Opposition.
28. Applicant denies the allegations contained in Paragraph 28 of the Notice of Opposition.

29. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 29 of the Notice of Opposition and therefore denies the same.
30. Applicant denies the allegations contained in Paragraph 30 of the Notice of Opposition.
31. Applicant denies the allegations contained in Paragraph 31 of the Notice of Opposition.
32. Applicant denies the allegations contained in Paragraph 32 of the Notice of Opposition.
33. Applicant admits the allegations contained in Paragraph 33 of the Notice of Opposition.
34. Applicant denies the allegations contained in Paragraph 34 of the Notice of Opposition.
35. Applicant denies in part and admits in part the allegations contained in Paragraph 35 of the Notice of Opposition. Applicant admits that its FAQ on its website identifies Opposer as a pioneering company, but Applicant's FAQ further goes on to distinguish Applicant from Opposer.
36. Applicant denies in part and admits in part the allegations contained in Paragraph 36 of the Notice of Opposition. Applicant admits that Applicant's FAQ on its website references Opposer's name and states that the two are independent and unrelated entities. Applicant denies that Applicant's FAQ on its website references Opposer's mark and/or concedes Opposer's fame.

37. Applicant denies the allegations contained in Paragraph 37 of the Notice of Opposition.
38. Applicant denies the allegations contained in Paragraph 38 of the Notice of Opposition.
39. Applicant denies the allegations contained in Paragraph 39 of the Notice of Opposition.

To the extent that Applicant has not admitted or denied any allegation contained in the Opposer's Notice of Opposition, all allegations are hereby denied by Applicant.

AFFIRMATIVE DEFENSES

1. Opposer has failed to state a claim upon which relief can be granted.
2. Opposer's alleged rights in Opposer's Marks do not extend to or overlap with Applicant's Mark.
3. Opposer's Registered marks OPTUNE; NOVOCURE; and NOVOCURE (design) are not confusingly similar with Applicant's mark.

Applicant reserves the right to assert any and all other affirmative defenses of which it becomes aware during the pendency of this matter.

WHEREFORE, Applicant respectfully requests that this Notice of Opposition be dismissed, that judgement be entered in Applicant's favor, and that Applicant's U.S. Trademark Application Serial No. 88/380,035 be allowed.

Respectfully submitted,

Dated: March 23, 2020

By: Max W. Garwood/
Max W. Garwood
Taylor IP, P.C.

142 S. Main St.
PO Box 560
Avilla, IN 46710
(260) 897-3400
ATTORNEY FOR APPLICANT