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Filing date: **04/13/2020**

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

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|------------------------|---|
| Proceeding | 91254456 |
| Party | Defendant JRS MANAGEMENT L.L.C. |
| Correspondence Address | JENNIFER K. CRAFT; JOHN L. KRIEGER; ROBE DICKINSON WRIGHT, PLLC 8363 W. SUNSET ROAD, SUITE 200 LAS VEGAS, NV 89113 TRADEMARKSLV@DICKINSONWRIGHT.COM no phone number provided |
| Submission | Answer |
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| Signature | /s/Jennifer Smith |
| Date | 04/13/2020 |
| Attachments | 4832-0635-9480 v2 JR.'S FRENCH DIPPED SANDWICHES - 88219432- Answer to Opp-56.pdf(114653 bytes) |

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

FOOD FOR JUNIORS INC.,

Opposer,

v.

JRS MANAGEMENT L.L.C.,

Applicant.

Opposition No. 91254456

Mark:

JR.'S FRENCH DIPPED SANDWICHES

(Serial No. 88/219432)

International Class 043

Published: November 12, 2019

ANSWER

JRS Management L.L.C. (“Applicant”), a Nevada limited liability company, with a principal place of business in Las Vegas, Nevada, owner of the JR.’S FRENCH DIPPED SANDWICHES (Ser. No. 88/219432) mark (the “Mark”), by and through counsel, responds to the allegations set forth in the Notice of Opposition filed by Food For Juniors, Inc. (“Opposer”) on March 4, 2020, as follows:

1. Applicant is without information sufficient to admit or deny the allegations of the first unnumbered paragraph of the opposition and therefore denies the allegations therein.
2. Applicant admits that Opposer owns Registration 1,604,169 for the JUNIOR’S Mark for restaurant services, but denies the remaining allegations in Paragraph 2.
3. Applicant admits the application for the Mark is for restaurant services, but denies the remaining allegations in Paragraph 3.
4. Applicant admits the application for the Mark was filed as an intent to use application on or around December 6, 2018, but denies the remaining allegations in Paragraph 4.
5. Applicant is without information sufficient to admit or deny the allegations in Paragraph 5 and therefore denies the allegations therein.
6. Applicant admits the words “French Dipped Sandwiches” are disclaimed, but denies the remaining allegations in Paragraph 6.

7. Applicant denies the allegations in Paragraph 7.
8. Applicant denies the allegations in Paragraph 8.
9. Applicant denies the allegations in Paragraph 9.
10. Applicant denies the allegations in Paragraph 10.
11. Applicant admits Dip-It LLC filed the application for the Mark in 2018, but denies the remaining allegations in Paragraph 11.
12. Applicant admits it filed a nunc pro tunc assignment with the USPTO on or around October 9, 2019. The document is of independent legal significance and Applicant denies any and all allegations inconsistent therewith.
13. Applicant denies the assignment is a nullity. The remaining allegations in Paragraph 13 are so unclear that Applicant is forced to hazard a guess as to meaning of the allegations and therefore denies the same.
14. The Secretary of State records are records of independent legal significance and Applicant denies any and all allegations inconsistent therewith. The remaining allegations in Paragraph 14 are legal conclusions to which no response is required.
15. Applicant denies the allegations of paragraph 15.

AFFIRMATIVE DEFENSES

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

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First Affirmative Defense

The notice of opposition fails to state a claim upon which relief can be granted.

Second Affirmative Defense

There is no likelihood of confusion, mistake, or deception between Opposer's mark and Applicant's Mark.

Third Affirmative Defense

Applicant alleges on information and belief that as a result of Opposer's own acts and/or omissions, the opposition is barred by the doctrine of laches.

Fourth Affirmative Defense

Applicant alleges on information and belief that the opposition is barred by the doctrine of estoppel.

Fifth Affirmative Defense

Applicant alleges on information and belief that as a result of its own acts and omissions, Opposer has waived any right to pursue its opposition.

Sixth Affirmative Defense

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

Seventh Affirmative Defense

Applicant alleges on information and belief that the opposition is barred by the doctrine of unclean hands.

Eighth Affirmative Defense

Any and all acts alleged to have been committed by Applicant were performed with lack of knowledge and lack of willful intent.

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WHEREFORE, Applicant prays the notice of opposition be denied with prejudice, together with whatever other relief the Board may deem appropriate.

Dated: April 13, 2020

Respectfully submitted,

DICKINSON WRIGHT PLLC

/s/ John L. Krieger, Esq. _____

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CERTIFICATE OF SERVICE

I hereby certify that according to TBMP §311.01 (c) and 37 CFR § 2.119(b) a true and complete copy of the foregoing, was served via email on April 13, 2020 to the following address.

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/s/ Jennifer J. Smith

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