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

Proceeding	91254834
Party	Defendant Ifediora, Amalachukwu; Ojakovo, Rukevwe; Snyder, Kara
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Date	05/04/2020
Attachments	RIV Opp Answer 91254834.pdf(92102 bytes)

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

In the Matter of Application Serial No. 88630075: RIV FUEL Published in the Official Gazette of February 4, 2020 in designated classes 37.

RIVIAN IP HOLDINGS, LLC,
Opposer,

v.
AMALACHUKWU IFEDIORA
RUKEVWE OJAKOVO
KARA SNYDER

Applicant(s).

Opposition No. 91254834

Serial No. 88630075

Mark: **RIV FUEL**

**ANSWER AND AFFIRMATIVE DEFENSES OF RIV
TRADEMARK HOLDINGS, LLC**

Applicant(s) Amalachukwu Ifediora, Rukevwe Ojakovo, Kara Snyder (“RIV”), by and through its attorneys, hereby answers the notice of opposition (the “opposition”) filed by RIVIAN IP HOLDINGS (“opposer”) as follows. To the extent not explicitly admitted, all allegations in the opposition are denied.

ANSWER

1. RIV lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 1 and, on that basis, denies them.
2. RIV lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 2 and, on that basis, denies them.
3. RIV lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 3 and, on that basis, denies them.
4. RIV lacks knowledge or information sufficient to form a belief as to the truth

of the matters alleged in Paragraph 4 and, on that basis, denies them.

5. RIV lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 5 and, on that basis, denies them.

6. RIV lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 6 and, on that basis, denies them.

7. The materials referenced in Paragraph 7 speak for themselves, and to the extent the allegations in Paragraph 7 vary therewith, RIV denies them. RIV denies any and all remaining allegations and/or legal conclusions contained in Paragraph 7.

8. RIV lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 8 and, on that basis, denies them.

9. RIV lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 9 and, on that basis, denies them.

10. RIV lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 10 and, on that basis, denies them.

11. RIV admits that it does have an address listed as 620 Allendale Road #61109, King of Prussia, PA 19406.

12. RIV admits that Applicant(s) Amalachukwu Ifediora, Rukevwe Ojakovo, Kara Snyder filed the fore mentioned mark.

13. RIV admits that Applicant Application on September 25, 2019. All of Rivian's Marks were filed as alleged in Paragraph 13.

14. RIV lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 14 and, on that basis, denies them.

15. RIV lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 15 and, on that basis, denies them.

16. RIV denies the truth of the allegation alleged in Paragraph 16 and, on that basis, denies them.

17. RIV admits that Applicant Application on September 25, 2019. All of Rivian's Marks were filed as alleged in Paragraph 17.

18. RIV denies that the "vehicle fueling services" covered under Applicants' Application are identical or highly related to Opposers mark as the mere operating of good in the automotive space does not give rise to an automatic likelihood of confusion.

19. RIV lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 19 and, on that basis, denies them.

20. RIV denies the presumption that a lack of "restriction" automatically overlap in marketing to different classification consumers alleged in Paragraph 20.

21. RIV denies the presumption that consumers will be confused, mistaken or deceived as alleged in Paragraph 21.

22. RIV denies the presumption that the registration of Applicants mark will dilute Opposers Marks as alleged in Paragraph 22.

23. RIV lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 23 and, on that basis, denies them.

24. RIV lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 24 and, on that basis, denies them.

AFFIRMATIVE DEFENSES

RIV undertakes the burden of proof only as to those defenses deemed affirmative defenses by law, regardless of how such defenses are denominated below. RIV 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, RIV states as follows:

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 Applicants Riv Fuel mark.

Third Affirmative Defense

RIV alleges on information and belief that as a result of opposer's own acts and/or omissions, that due to third parties use of the "RIV" first and dominate element of Opposer and Applicants mark is similar to other pending registered marks for similar goods of Opposer, thus the marks first dominate element is weak and entitled to a narrow scope and thus if barred remove any argument of issue and thus making Opposers opposition mute.

WHEREFORE, RIV requests that the notice of opposition be dismissed with

prejudice, and Applicants RIV Fuel Mark Serial No. be permitted to continue with the Trademark registration process together with whatever other relief the Board may deem appropriate.

Dated: May 1, 2020

Respectfully Submitted on behalf of,
Amalachukwu Ifediora, Rukevwe Ojakovo, Kara Snyder

By /DOMONIQUE PRICE/

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