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

Proceeding	91255652
Party	Defendant Creative Bioscience, L.L.C.
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Date	06/15/2020
Attachments	Answer_Not_Opp_CBS0030TMOPP.pdf(90793 bytes )

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Attorneys for Applicant,  
CREATIVE BIOSCIENCE, L.L.C.

Opposed Marks: DEFIANT A BOLD RESISTANCE TO AGING AND GRAVITY and  
DEFIANT A BOLD RESISTANCE  
Opposed Applications: U.S. Trademark Application Serial Nos. 87/256,839 and 87/256,847

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

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DEFIANCE BRANDS, INC.,	)	
	)	
Opposer,	)	
	)	
vs.	)	<b>ANSWER</b>
	)	Opposition No. 91255652
CREATIVE BIOSCIENCE, L.L.C.,	)	
	)	
Applicant.	)	
	)	

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Applicant, CREATIVE BIOSCIENCE, L.L.C. (“Creative Bioscience” or “Applicant”), a Utah limited liability company, having a business address located at 381 West Ironwood Drive, South Salt Lake, Utah 84115, through its counsel, hereby answers the Notice of Opposition filed in this action by DEFIANCE BRANDS, INC. (“Opposer”).

In response to the unnumbered introductory and the concluding paragraphs in the Notice of Opposition, to the extent these introductory and concluding paragraphs include any averments requiring an answer, Applicant denies any averments relating to Application Nos. 87/256,839 and 87/256,847.

In response to the specifically numbered paragraphs set forth in the Notice of Opposition, Creative Bioscience hereby responds as follows:

1. Creative Bioscience lacks sufficient information to either admit or deny the allegations contained in paragraph 1 of the Notice of Opposition and therefore denies the same.
2. Creative Bioscience lacks sufficient information to either admit or deny the allegations contained in paragraph 2 of the Notice of Opposition and therefore denies the same.
3. Creative Bioscience lacks sufficient information to either admit or deny the allegations contained in paragraph 3 of the Notice of Opposition and therefore denies the same.
4. Creative Bioscience lacks sufficient information to either admit or deny the allegations contained in paragraph 4 of the Notice of Opposition and therefore denies the same.
5. Creative Bioscience lacks sufficient information to either admit or deny the allegations contained in paragraph 5 of the Notice of Opposition and therefore denies the same.
6. Creative Bioscience lacks sufficient information to either admit or deny the allegations contained in paragraph 6 of the Notice of Opposition and therefore denies the same.
7. Creative Bioscience lacks sufficient information to either admit or deny the allegations contained in paragraph 7 of the Notice of Opposition and therefore denies the same.
8. Creative Bioscience lacks sufficient information to either admit or deny the allegations contained in paragraph 8 of the Notice of Opposition and therefore denies the same.

9. Creative Bioscience lacks sufficient information to either admit or deny the allegations contained in paragraph 9 of the Notice of Opposition and therefore denies the same.

10. Creative Bioscience lacks sufficient information to either admit or deny the allegations contained in paragraph 10 of the Notice of Opposition and therefore denies the same.

11. Creative Bioscience believes no response is required to paragraph 11 because it does not include any allegations to which a response is required. To the extent that paragraph 11 of the Notice of Opposition includes any allegations to which a response is required, Creative Bioscience lacks sufficient information to either admit or deny the allegations contained in paragraph 11 of the Notice of Opposition and therefore denies the same.

12. Creative Bioscience lacks sufficient information to either admit or deny the allegations contained in paragraph 12 of the Notice of Opposition and therefore denies the same.

13. Creative Bioscience lacks sufficient information to either admit or deny the allegations contained in paragraph 13 of the Notice of Opposition and therefore denies the same.

14. Creative Bioscience lacks sufficient information to either admit or deny the allegations contained in paragraph 14 of the Notice of Opposition and therefore denies the same.

15. Creative Bioscience lacks sufficient information to either admit or deny the allegations contained in paragraph 15 of the Notice of Opposition and therefore denies the same.

16. Creative Bioscience admits Applicant is a Utah limited liability company having an address of 381 West Ironwood Drive, South Salt Lake, Utah 84115.

17. Creative Bioscience admits that it is the owner of U.S. Trademark Application Serial Nos. 87/256,839 and 87/256,847. Applicant submits U.S. Trademark Application Serial Nos. 87/256,839 and 87/256,847 speak for themselves, such that no further answer is required.

However, to the extent paragraph 17 identifies further allegations requiring answer, Creative Bioscience denies the further allegations contained in paragraph 17 of the Notice of Opposition.

18. Creative Bioscience denies the allegations contained in paragraph 18 of the Notice of Opposition.

19. Creative Bioscience lacks sufficient information to either admit or deny the allegations contained in paragraph 19 of the Notice of Opposition and therefore denies the same.

20. Creative Bioscience lacks sufficient information to either admit or deny the allegations contained in paragraph 20 of the Notice of Opposition and therefore denies the same.

21. Creative Bioscience lacks sufficient information to either admit or deny the allegations contained in paragraph 21 of the Notice of Opposition and therefore denies the same.

22. Paragraph 22 of the Notice of Opposition contains a legal conclusion that does not require an answer. However, to the extent paragraph 22 identifies allegations requiring an answer, Creative Bioscience denies the allegations contained in paragraph 22 of the Notice of Opposition.

23. Paragraph 23 of the Notice of Opposition contains a legal conclusion that does not require an answer. However, to the extent paragraph 23 identifies allegations requiring an answer, Creative Bioscience denies the allegations contained in paragraph 23 of the Notice of Opposition.

24. Paragraph 24 of the Notice of Opposition contains a legal conclusion that does not require an answer. However, to the extent paragraph 24 identifies allegations requiring an answer, Creative Bioscience denies the allegations contained in paragraph 24 of the Notice of Opposition.

25. Paragraph 25 of the Notice of Opposition contains a legal conclusion that does not require an answer. However, to the extent paragraph 25 identifies allegations requiring an answer, Creative Bioscience denies the allegations contained in paragraph 25 of the Notice of Opposition.

26. Paragraph 26 of the Notice of Opposition contains a legal conclusion that does not require an answer. However, to the extent paragraph 26 identifies allegations requiring an answer, Creative Bioscience denies the allegations contained in paragraph 26 of the Notice of Opposition.

27. Paragraph 27 of the Notice of Opposition contains a legal conclusion that does not require an answer. However, to the extent paragraph 27 identifies allegations requiring an answer, Creative Bioscience denies the allegations contained in paragraph 27 of the Notice of Opposition.

28. Paragraph 28 of the Notice of Opposition contains a legal conclusion that does not require an answer. However, to the extent paragraph 28 identifies allegations requiring an answer, Creative Bioscience denies the allegations contained in paragraph 28 of the Notice of Opposition.

29. Paragraph 29 of the Notice of Opposition contains a legal conclusion that does not require an answer. However, to the extent paragraph 29 identifies allegations requiring an answer, Creative Bioscience denies the allegations contained in paragraph 29 of the Notice of Opposition.

30. Paragraph 30 of the Notice of Opposition contains a legal conclusion that does not require an answer. However, to the extent paragraph 30 identifies allegations requiring an

answer, Creative Bioscience denies the allegations contained in paragraph 30 of the Notice of Opposition.

31. Creative Bioscience lacks sufficient information to either admit or deny the allegations contained in paragraph 31 of the Notice of Opposition and therefore denies the same.

32. Paragraph 32 of the Notice of Opposition contains a legal conclusion that does not require an answer. However, to the extent paragraph 32 identifies allegations requiring an answer, Creative Bioscience denies the allegations contained in paragraph 32 of the Notice of Opposition.

**FIRST AFFIRMATIVE DEFENSE (NO LIKELIHOOD OF CONFUSION)**

There is no likelihood of confusion, mistake, or deception under Section 2(d) of the Trademark Act, 15 U.S.C. §1052(d), between Opposer's alleged marks and Creative Bioscience's applied for marks.

**SECOND AFFIRMATIVE DEFENSE (DISSIMILAR MARKS)**

There is no likelihood of confusion, mistake or deception between Opposer's alleged marks and Creative Bioscience's applied for marks because, *inter alia*, of the dissimilarity of Creative Bioscience's marks and Opposer's alleged marks when considered in their entirety as to appearance, sound, connotation and commercial impression.

**THIRD AFFIRMATIVE DEFENSE (DISSIMILAR GOODS/SERVICES)**

There is no likelihood of confusion, mistake, or deception between Opposer's alleged marks and Creative Bioscience's applied for marks because, *inter alia*, upon information and belief, the goods and services with which the respective marks are used are dissimilar.

**FOURTH AFFIRMATIVE DEFENSE (DISSIMILAR, SOPHISTICATED BUYERS/CUSTOMERS)**

There is no likelihood of confusion, mistake, or deception between Opposer's alleged marks and Creative Bioscience's applied for marks because, *inter alia*, upon information and belief, the buyers/customers to whom sales are made are sophisticated and dissimilar.

**FIFTH AFFIRMATIVE DEFENSE (CHANNELS OF TRADE)**

There is no likelihood of confusion, mistake, or deception between Opposer's alleged marks and Creative Bioscience's applied for marks because, *inter alia*, upon information and belief, the channels of trade through which the respective goods and services travel are dissimilar.



WHEREFORE, Creative Bioscience prays:

A. That the Notice of Opposition be denied in its entirety with prejudice.

B. That a Notice of Allowance providing for registration on the Principal Register issue to Creative Bioscience for the marks set forth in U.S. Trademark Application Serial Nos. 87/256,839 and 87/256,847.

Respectfully submitted this 15<sup>th</sup> day of June 2020.

TECHLAW VENTURES, PLLC



Terrence J. Edwards  
Attorneys for Applicant  
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3290 West Mayflower Ave.  
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**CERTIFICATE OF ELECTRONIC FILING**

I hereby certify that this paper is being electronically filed with the Trademark Trial and Appeal Board at the United States Patent and Trademark Office on this 15<sup>th</sup> day of June 2020.

TECHLAW VENTURES, PLLC



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Terrence J. Edwards  
Attorneys for Applicant  
Creative Bioscience, L.L.C.

**CERTIFICATE OF SERVICE**

The undersigned, one of Applicant’s attorneys, hereby certifies that on June 15, 2020, he caused a true and correct copy of the foregoing ANSWER to be served upon Opposer’s counsel by email at the following email addresses:

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Martha B. Allard  
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