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

Proceeding	91263868
Party	Defendant ASSOCIATION POUR LE DEVELOPPEMENT ECONOMIQUE DE LA REGION LYONNAISE
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Date	10/07/2020
Attachments	Answer to Notice of Opposition 91263868.pdf(276072 bytes)

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

LONSDALE SPORTS LIMITED, : Opposition No.: 91263868

Opposer, : In the Matter of Application Serial No. 88234021



v. : Published: January 28, 2020

: Classes: 18, 25 and 28

ASSOCIATION POUR LE
DEVELOPPEMENT ECONOMIQUE DE
LA REGION LYONNAISE,

Applicant.

ANSWER TO NOTICE OF OPPOSITION

Association Pour Le Developpement Economique de La Region Lyonnaise (hereinafter "Applicant") hereby responds to Lonsdale Sports Limited's (hereinafter "Opposer") allegations within the Notice of Opposition as set forth below:

1. Applicant is without sufficient knowledge or information necessary to form a belief as to the truth of the allegations in paragraph No. 1 of the Notice of Opposition, and therefore denies same leaving Opposer to its proofs.

2. Applicant is without sufficient knowledge or information necessary to form a belief as to the truth of the allegations in paragraph No. 2 of the Notice of Opposition, and therefore denies same leaving Opposer to its proofs.

3. Applicant admits that Opposer is the owner of record of U.S. Registration No. 5778348 for the goods and services listed in that United States Trademark Registration, and denies any other allegations asserted or implied in paragraph No. 3.

4. Applicant admits that United States Trademark Application Serial No. 87278446 was filed based upon Section 44(e) and Section 1(b), on December 22, 2016. Applicant denies all other allegations asserted or implied within paragraph No. 4.

5. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph No. 5 with regard to alleged dates of first use, as well as use of the Lion Device Mark as a trademark with the LONSDALE mark. Applicant admits that the Lonsdale.com website shows Opposer's Lion Device Mark. Applicant denies any other allegations asserted or implied within paragraph No. 5.

6. Applicant is without sufficient information and knowledge to form a belief as to the truth of the allegations contained within paragraph No. 6, and therefore denies same, leaving Opposer to its proofs.

7. Applicant is without sufficient information and knowledge to form a belief as to the truth of the allegations contained within paragraph No. 7, and therefore denies same, leaving Opposer to its proofs.

8. Applicant is without sufficient information and knowledge to form a belief as to the truth of the allegations contained within paragraph No. 8, and therefore denies same, leaving Opposer to its proofs.

9. Applicant is without sufficient information and knowledge to form a belief as to the truth of the allegations contained within paragraph No. 9, and therefore denies same, leaving Opposer to its proofs.

10. Denied.

11. Applicant admits that on December 18, 2018, it filed U.S. Trademark Application Serial No. 88234021 in connection with the goods listed in that application in classes 18, 25 and 28.

12. Admitted.

13. Applicant admits that in 2013, Opposer and Applicant entered into an agreement concerning Trademark Applications filed in France and at the European Union Intellectual Property Office, and denies all other allegations contained within paragraph No. 13.

14. Applicant admits that it filed U.S. Trademark Application Serial No. 88234021 and denies all other allegations contained within paragraph No. 14.

15. Denied.

16. Denied.
17. Denied.
18. Applicant admits that its Application Serial No. 88234021 contains the following Declaration:

Declaration

Basis:

If the applicant is filing the application based on use in commerce under 15 U.S.C. § 1051(a):

- The signatory believes that the applicant is the owner of the trademark/service mark sought to be registered;
- The mark is in use in commerce on or in connection with the goods/services in the application;
- The specimen(s) shows the mark as used on or in connection with the goods/services in the application; and
- To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.

And/Or

If the applicant is filing the application based on an intent to use the mark in commerce under 15 U.S.C. § 1051(b), § 1126(d), and/or § 1126(e):

- The signatory believes that the applicant is entitled to use the mark in commerce;
 - The applicant has a bona fide intention to use the mark in commerce on or in connection with the goods/services in the application; and
 - To the best of the signatory's knowledge and belief, the facts recited in the application are accurate.
- To the best of the signatory's knowledge and belief, no other persons, except, if applicable, concurrent users, have the right to use the mark in commerce, either in the identical form or in such near resemblance as to be likely, when used on or in connection with the goods/services of such other persons, to cause confusion or mistake, or to deceive.
- To the best of the signatory's knowledge, information, and belief, formed after an inquiry reasonable under the circumstances, the allegations and other factual contentions made above have evidentiary support.
- The signatory being warned that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001, and that such willful false statements and the like may jeopardize the validity of the application or submission or any registration resulting therefrom, declares that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

and denies all other allegations asserted or implied contained within paragraph No. 18.

19. Denied.
20. Denied.
21. Denied.
22. Denied.
23. Denied.
24. Denied.

AFFIRMATIVE DEFENSES

1. Opposer fails to state a claim upon which relief may be granted by the Trademark Trial and Appeal Board in connection with allegations of breach of contact.

2. Opposer's U.S. Trademark Registration No. 5778348 was void ab initio when the underlying Application Serial No. 87278446 was filed on December 22, 2016 because Opposer failed to have the required bona fide intention to use the mark in connection with all the listed goods and services at time of filing with the United States Trademark Office pursuant to Trademark Act Section 66 (15 U.S. Code § 1126) and as asserted in this signed Declaration:

DECLARATION

The undersigned, being hereby warned that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and that such willful false statements may jeopardize the validity of the application or any resulting registration, declares that he/she is properly authorized to execute this application on behalf of the applicant; he/she believes the applicant to be the owner of the trademark sought to be registered, or, if the application is being filed under 15 U.S.C. §1051(b), 1126(d) or 1126(e), he/she believes applicant to be entitled to use such mark in commerce; that the applicant *has had a bona fide intention to use the mark in commerce on or in connection with the goods or services listed in the application as of the application filing date; that the facts set forth in the application are true and correct;* to the best of his/her knowledge and belief no other person, firm, corporation, or association has the right to use the mark in commerce, either in the identical form thereof or in such near resemblance thereto as to be likely, when used on or in connection with the goods/services of such other person, to cause confusion, or to cause mistake, or to deceive; and that all statements made of his/her own knowledge are true and all statements made on information and belief are believed to be true.

Lonsdale Sports Limited

Date: 26/9/2017

By: 
Name: Cameron Olsen
Title: Company Secretary

3. Opposer's asserted Lion Device Mark is diluted in classes 18, 25 and 28 given it co-exists with other walking lion design marks substantially similar to Opposer's asserted Lion Device Mark in U.S. commerce and on the U.S. Trademark Office registry.

WHEREFORE, Applicant requests that the United States Trademark Trial and Appeal Board dismiss Opposer's Opposition with prejudice and allow Application Serial No. 88234021 to move forward to registration.

Dated: October 7, 2020

By: /Brooks R. Bruneau/
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CERTIFICATE OF ELECTRONIC FILING

I hereby certify this Answer to the Notice of Opposition was electronically filed with the Trademark Trial and Appeal Board this 7th day of October 2020.

/Brooks R. Bruneau/
(Signature)

October 7, 2020
(Date of Signature)

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the within Answer to Notice of Opposition was served, via email, on this 7th day of October 2020, addressed to Opposer's counsel's emails of record:

Pattishall McAuliffe Newbury Hilliard & Geraldson, LLP
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Date: October 7, 2020

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