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

Proceeding	91264050
Party	Defendant Java Detour NorCal LLC
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Date	09/11/2020
Attachments	TAHOE BLUE Answer.pdf(163368 bytes)

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

In the matter of Application Serial No. 88/640,196
Filed October 3, 2019
For the mark **TAHOE BLUE**
Published in the *Official Gazette* on April 7, 2020

and

Application Serial No. 88/640,181
Filed October 3, 2019
For the mark **TAHOE BLUE CHAI**
Published in the *Official Gazette* on April 14, 2020

League to Save Lake Tahoe, Opposer, *v.* Java Detour NorCal LLC, Applicant.	)	Opposition No. 91264050

APPLICANT'S ANSWER TO THE NOTICE OF OPPOSITION

Java Detour NorCal LLC ("Applicant"), through its attorneys, hereby answers the Notice of Opposition of the League to Save Lake Tahoe ("Opposer"), in like-numbered paragraphs.

The material prior to the numbered paragraphs in the Notice of Opposition consists of prefatory content to which no response is required.

1. Applicant lacks knowledge sufficient to form a belief as to the truth of Opposer's allegations in Paragraph 1 of the Notice of Opposition and therefore denies same.

2. Applicant denies Opposer's allegation in Paragraph 2 of the Notice of Opposition that the League and its marks are "famous"; Applicant lacks knowledge sufficient to form a belief as to the remaining allegations in Paragraph 2 and therefore denies same.

3. Applicant lacks knowledge sufficient to form a belief as to the truth of Opposer's allegations in Paragraph 3 of the Notice of Opposition and therefore denies same.

4. Applicant lacks knowledge sufficient to form a belief as to the truth of Opposer's allegations in Paragraph 4 of the Notice of Opposition and therefore denies same.

5. Applicant lacks knowledge sufficient to form a belief as to the truth of Opposer's allegations in Paragraph 5 of the Notice of Opposition and therefore denies same.

6. Applicant lacks knowledge sufficient to form a belief as to the truth of Opposer's allegations in Paragraph 6 of the Notice of Opposition and therefore denies same.

7. Applicant lacks knowledge sufficient to form a belief as to the truth of Opposer's allegations in Paragraph 7 of the Notice of Opposition and therefore denies same.

8. Applicant lacks knowledge sufficient to form a belief as to the truth of Opposer's allegations in Paragraph 8 of the Notice of Opposition and therefore denies same.

9. Applicant lacks knowledge sufficient to form a belief as to the truth of Opposer's allegations in Paragraph 9 of the Notice of Opposition and therefore denies same.

10. Applicant lacks knowledge sufficient to form a belief as to the truth of Opposer's allegations in Paragraph 10 of the Notice of Opposition and therefore denies same.

11. Applicant lacks knowledge sufficient to form a belief as to the truth of Opposer's allegations in Paragraph 11 of the Notice of Opposition and therefore denies same.

12. Applicant lacks knowledge sufficient to form a belief as to the truth of Opposer's allegations in Paragraph 12 of the Notice of Opposition and therefore denies same.

13. Applicant denies Opposer's allegation in Paragraph 13 of the Notice of Opposition that the KEEP TAHOE BLUE marks have become "famous"; Applicant lacks knowledge sufficient to form a belief as to the remaining allegations in Paragraph 13 and therefore denies same.

14. Applicant lacks knowledge sufficient to form a belief as to the truth of Opposer's allegations in Paragraph 14 of the Notice of Opposition and therefore denies same.

15. Applicant admits Opposer's allegations in Paragraph 15 of the Notice of Opposition, but notes that the word "chai" was not disclaimed at the time of the filing of the application.

16. Applicant admits that the TAHOE BLUE and TAHOE BLUE CHAI applications were published for opposition on the dates identified in Paragraph 16 of the Notice of Opposition; Applicant lacks knowledge sufficient to form a belief as to the truth of Opposer's remaining allegations in Paragraph 16 of the Notice of Opposition and therefore denies same.

FIRST CAUSE OF ACTION

17. No response is necessary to Paragraph 17 of the Notice of Opposition.

18. Applicant denies Opposer's allegations in Paragraph 18 of the Notice of Opposition and therefore denies same.

19. Applicant lacks knowledge sufficient to form a belief as to the truth of Opposer's allegations in Paragraph 19 of the Notice of Opposition and therefore denies same.

20. Opposer's allegations in Paragraph 20 of the Notice of Opposition consist of legal arguments or conclusions to which no answer is required; to the extent an answer is required, Applicant denies that its applied-for trademarks are confusingly similar to Opposer's trademarks.

21. Applicant admits that the goods identified in the Opposed Applications are "coffee" and "chai tea" without further restrictions.

22. Opposer's allegations in Paragraph 22 of the Notice of Opposition consist of legal arguments or conclusions to which no answer is required; to the extent an answer is required, Applicant denies that its use of the applied-for-marks on the goods claimed in the Opposed Applications would be likely to cause confusion, cause mistake, disparage or deceive purchasers or

falsely suggest a connection between Opposer and Applicant. As to Opposer's claim that it "has no association whatsoever with Applicant," Applicant notes that Opposer has accepted funds in the form of a charitable donation from Applicant's corporate affiliate, Double Shot Coffee Specialists, LLC.

23. Applicant denies Opposer's allegations in Paragraph 23 of the Notice of Opposition.

SECOND CAUSE OF ACTION

24. No response is necessary to Paragraph 24 of the Notice of Opposition.

25. Applicant lacks knowledge sufficient to form a belief as to the truth of Opposer's allegations in Paragraph 25 of the Notice of Opposition and therefore denies same.

26. Applicant admits Opposer's allegations in Paragraph 26 of the Notice of Opposition concerning the physical address listed in the Opposed Applications; Applicant notes that the driving distance from such address to South Lake Tahoe, CA is of course variable depending on the route taken.

27. Opposer's allegations in Paragraph 27 of the Notice of Opposition consist of legal arguments or conclusions to which no answer is required; to the extent an answer is required, Applicant denies that the applied-for marks misrepresent the geographic source of Applicant's goods.

28. Applicant denies Opposer's allegations in Paragraph 28 of the Notice of Opposition.

THIRD CAUSE OF ACTION

29. No response is necessary to Paragraph 29 of the Notice of Opposition.

30. Applicant denies Opposer's allegation in Paragraph 30 of the Notice of Opposition that Opposer's KEEP TAHOE BLUE mark is "famous and distinctive" or "widely recognized by

the general public"; Applicant lacks knowledge sufficient to form a belief as to the Opposer's remaining allegations in Paragraph 30 of the Notice of Opposition and therefore denies same.

31. Applicant lacks knowledge sufficient to form a belief as to the truth of Opposer's allegations in Paragraph 31 of the Notice of Opposition and therefore denies same.

32. Opposer's allegations in Paragraph 32 of the Notice of Opposition consist of legal arguments or conclusions to which no answer is required; to the extent an answer is required, Applicant denies that its use of the applied-for marks on the goods claimed in the Opposed Applications would dilute or tarnish Opposer's marks.

AFFIRMATIVE DEFENSES & AMPLIFYING DENIALS

1. Upon information and belief, Applicant's chai tea and coffee products are unrelated to Opposer's conservation advocacy services, publications and various merchandise. Given that the relevant goods and services are unrelated, Applicant's use of the applied-for marks on Applicant's goods is not likely to cause confusion, cause mistake, disparage or deceive purchasers.

2. Upon information and belief, Opposer's marks have not achieved the fame necessary to support a claim for dilution by blurring or tarnishment under Section 43(c) of the Lanham Act, 15 U.S.C. § 1125(c).

WHEREFORE, Applicant prays that the Trademark Trial and Appeal Board deny the Opposition and permit registration of the marks shown in U.S. trademark application serial nos. 88/640,196 and 88/640,181.

Date: September 11, 2020

/Sean Ploen/

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Attorney for Applicant

Certificate of Service

I, the undersigned attorney, hereby certify that I caused to be served a true and correct copy of the foregoing document upon the following parties in the manner indicated on this 11th day of September, 2020:

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By:

- ☐ U.S. Postal Service, ordinary First Class mail
- ☐ U.S. Postal Service, certified or registered mail
- ☐ Return receipt requested
- ☐ Hand delivery
- ☐ Facsimile
- ☒ Electronic service via email
- ☐ Other (specify)

By: /s/ Sean Ploen

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