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

Proceeding	91264108
Party	Defendant Crown Wealth Group LLC
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of Application No. 88/733,240

For the Mark: CROWN WEALTH GROUP & Design



**CROWN WEALTH
GROUP**

Filed: December 19, 2019

Published: April 28, 2020

Crown Capital Financial Corp.,

Opposer,

v.

Crown Wealth Group, LLC,

Applicant.

Opposition No.: 91264108

Application No.: 88733240

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

In response to the Notice of Opposition filed August 7, 2020 by Opposer Crown Capital Financial Corp. (“Opposer”) in the above-referenced Opposition proceeding, Applicant Crown Wealth Group, LLC (“Applicant”) answers as follows:

In response to the sequential paragraphs of the Notice of Opposition,

Applicant states:

1. Applicant is without knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 1 of the Notice of Opposition and accordingly denies the allegations thereof.

2. Applicant is without knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 2 of the Notice of Opposition and accordingly denies the allegations thereof.

3. Applicant is without knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 3 of the Notice of Opposition and accordingly denies the allegations thereof.

4. Applicant is without knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 4 of the Notice of Opposition and accordingly denies the allegations thereof.

5. Applicant is without knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 5 of the Notice of Opposition and accordingly denies the allegations thereof.

6. Applicant is without knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 6 of the Notice of Opposition and accordingly denies the allegations thereof

7. Applicant is without knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 7 of the Notice of Opposition and accordingly denies the allegations thereof.

8. Applicant is without knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 8 of the Notice of Opposition and accordingly denies the allegations thereof.

9. Applicant is without knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 9 of the Notice of Opposition and accordingly denies the allegations thereof.

10. Applicant admits the allegations in Paragraph 10 of the Notice of Opposition.

11. Applicant is without knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 11 of the Notice of Opposition and accordingly denies the allegations thereof.

12. Applicant denies the allegations contained in Paragraph 12 of the Notice of Opposition.

13. Applicant is without knowledge or information sufficient to form a belief about the truth of the allegations contained in the first sentence of Paragraph 13 of the Notice of Opposition because it is unclear and confusingly worded, and Applicant accordingly denies the allegations thereof. Applicant admits that both

Applicant's and Opposer's identified services are in International Class 036.

Applicant denies the remaining allegations contained in Paragraph 13 of the Notice of Opposition.

14. Applicant's Application, including its identification of services, speaks for itself. Otherwise, Applicant is without knowledge or information sufficient to form a belief about the truth of the allegations contained in Paragraph 14 of the Notice of Opposition and accordingly denies the allegations thereof.

15. Applicant admits the allegations contained in Paragraph 15 of the Notice of Opposition only so far as it correctly identifies the term "WEALTH" as a part of Applicant's mark. Applicant denies the remaining allegations in Paragraph 15 of the Notice of Opposition.

16. Applicant admits the allegations contained in Paragraph 16 of the Notice of Opposition only so far as it references a crown design element as being part of Applicant's mark. Applicant denies the remaining allegations contained in Paragraph 16 of the Notice of Opposition.

17. Applicant denies the allegations contained in Paragraph 17 of the Notice of Opposition.

18. Applicant denies the allegations contained in Paragraph 18 of the Notice of Opposition.

19. Applicant denies the allegations in Paragraph 19 of the Notice of Opposition.

Applicant further denies all allegations not specifically, actually, or constructively admitted in the foregoing paragraphs of this Answer.

AFFIRMATIVE DEFENSES

Applicant asserts the following Affirmative Defenses in response to Opposer’s Notice of Opposition and the assertions therein:

First Affirmative Defense

1. The United States Patent and Trademark Office, in its examination of Applicant’s U.S. Trademark Application 88/733,240 (hereafter “Applicant’s Application”), found no likelihood of confusion between Applicant’s CROWN WEALTH GROUP & Design mark (hereafter “Applicant’s Mark”) and the marks of Opposer’s Registrations listed below (hereafter collectively “Opposer’s Asserted Registrations”):

Trademark	Registration No.	Filing Date	Goods and Services
CROWN CAPITAL & Design	2,922,639	04/15/2003	“Financial services in the field of real estate, namely, mortgage loan banking, mortgage loan brokerage, mortgage loan servicing, and real estate merchant banking services; investment management in the field of real estate, real estate acquisition services, real

			equity sharing, real estate management” in IC 036
CROWN CAPITAL	2,761,755	05/17/2002	“Financial services in the field of real estate, namely, mortgage loan banking, mortgage loan brokerage, mortgage loan servicing, and real estate merchant banking services; investment management in the field of real estate, real estate acquisition services, real equity sharing, real estate management” in IC 036

Second Affirmative Defense

2. There is no likelihood of confusion, mistake, or deception between Applicant’s Mark and Opposer’s Asserted Registrations because, *inter alia*, the marks of Opposer’s Asserted Registrations and Applicant’s Mark contain unshared elements which result in dissimilarity between the marks in their entireties as to at least appearance, sound, connotation, and commercial impression.

Third Affirmative Defense

3. There is no likelihood of confusion, mistake, or deception between Applicant’s Mark and Opposer’s Asserted Registrations because, *inter alia*, the services associated with Applicant’s Mark are not the same or substantially similar to those associated with Opposer’s Asserted Registrations. In particular, the services recited in Applicant’s Application do not mention or relate specifically to

the field of real estate, while all of the services recited in Opposer's Asserted Registrations are related and limited to the field of real estate.

Fourth Affirmative Defense

4. There is no likelihood of confusion, mistake, or deception between Applicant's Mark and Opposer's Asserted Registrations because, *inter alia*, there are nearly 50 current U.S. Trademark registrations listed on the Trademark Electronic Search System which incorporate the term "CROWN" and which claim services in International Class 036, including at least several which identify real estate related services, making Opposer's use of the term "CROWN" in Opposer's Asserted Registrations just part of a crowded and diluted field.

Fifth Affirmative Defense

5. There is no likelihood of confusion, mistake, or deception between Applicant's Mark and Opposer's Registrations because, *inter alia*, Opposer—in a March 27, 2003 response to an office action related to U.S. Trademark Application Serial No. 78/129,697 – now U.S. Trademark Registration No. 2,761,755—argued that its CROWN CAPITAL mark "creat[ed] an overall impression of a unitary mark as opposed to a mark consisting of two parts" and that "with only two words, it is not apparent that the word 'Crown' is more significant in creating a commercial impression, or is the dominant feature" of the CROWN CAPITAL mark, thus asserting the position that CROWN was not the dominant feature of its

mark and CAPITAL together with CROWN was a necessary and non-dissectible part of creating a single commercial impression and serving as a source identifier for Opposer in light of the competing marks consisting of only the word CROWN. Applicant's Mark does not utilize the term CAPITAL in conjunction with the term CROWN. Accordingly, Opposer should be estopped from asserting that consumers would view the marks of Opposer's Asserted Registrations containing the term CAPITAL as identical, nearly identical, or essentially the same as Applicant's Mark, or that consumers would form an instinctive mental association between them. Also, Opposer should be estopped from asserting that consumers would readily recognize marks without both CROWN and CAPITAL terms as pointing uniquely and unmistakably to Opposer and that a false connection of Applicant's recited services and Opposer can be presumed.

Sixth Affirmative Defense

6. There is no likelihood of confusion, mistake, or deception between Applicant's Mark and Opposer's Registrations because, *inter alia*, Opposer—in a March 27, 2003 response to an office action related to U.S. Trademark Application Serial No. 78/129,697 – now U.S. Trademark Registration No. 2,761,755—stated that Opposer does not provide “any consumer financial services” in connection with its CROWN CAPITAL mark. Opposer made this statement to distinguish the identified real-estate related services of its CROWN CAPITAL mark from those

services associated with the CROWN only marks cited against its mark. Thus, Opposer should be estopped from arguing now in this proceeding that the services identified in its Asserted Registrations or the consumers of such services somehow overlap with “consumer financial services” or the consumers of such services.

Seventh Affirmative Defense

7. Applicant reserves the right to assert additional defenses upon discovery of further information concerning Opposer’s claims.

WHEREFORE, Applicant respectfully requests that this Opposition be dismissed and that Registration of the Application of U.S. Serial No. 88/733,240 be passed to registration.

Respectfully submitted,

September 16, 2020

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANT’S ANSWER TO NOTICE OF OPPOSITION has been served on Opposer’s counsel by forwarding said copy on September 16, 2020, via email to:

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