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Filing date: **09/18/2020**

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

| | |
|------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Proceeding | 91264132 |
| Party | Defendant KB Home |
| Correspondence Address | SHELDON H. KLEIN LATHROP GPM LLP 600 NEW HAMPSHIRE AVE., NW SUITE 700 WASHINGTON, DC 20037 UNITED STATES Primary Email: trademark@gpmlaw.com Secondary Email(s): sheldon.klein@gpmlaw.com, cynthia.hefferan@gpmlaw.com 202-295-2200 |
| Submission | Answer |
| Filer's Name | Sheldon H. Klein |
| Filer's email | sheldon.klein@lathrooggpm.com, trademark@lathrooggpm.com, molly.littman@lathrooggpm.com, dean.eyler@lathrooggpm.com |
| Signature | /Sheldon H. Klein/ |
| Date | 09/18/2020 |
| Attachments | Opp. No. 91264132 Answer and Affirmative Defense.pdf(9974 bytes) |

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

| | | |
|-------------------------|---|------------------------------------------------------------------------------------------|
| KOOKMIN BANK CO., LTD., |) | |
| |) | |
| Opposer, |) | Opposition No. 91264132 |
| |) | |
| v. |) | Application Serial No. 88234703 |
| |) | |
| KB HOME, |) | Mark:  |
| |) | |
| Applicant. |) | |
| |) | |

ANSWER AND AFFIRMATIVE DEFENSE

Applicant KB Home, by counsel, hereby answers the Notice of Opposition as follows:

ANSWER

1. Applicant admits the allegations of paragraph 1 of the Notice of Opposition.
2. Applicant is without knowledge or information sufficient to admit or deny the allegations of paragraph 2 of the Notice of Opposition and therefore denies the same.
3. Applicant admits the allegations of paragraph 3 of the Notice of Opposition.
4. Applicant denies the allegations of paragraph 4 of the Notice of Opposition.
5. Applicant denies the allegations of paragraph 5 of the Notice of Opposition.
6. Applicant denies the allegations of paragraph 6 of the Notice of Opposition.
7. Applicant denies that Opposer will be damaged by registration of Applicant's mark and Applicant is without knowledge or information sufficient to admit or deny the remaining allegations of paragraph 7 of the Notice of Opposition and therefore denies the same.

AFFIRMATIVE DEFENSE
FAILURE TO STATE A CLAIM

8. The Notice of Opposition fails to state a claim upon which relief may be granted.

Respectfully submitted,

Dated: September 18, 2020

LATHROP GPM LLP

By: Sheldon H. Klein/
Dean C. Eyler
Molly R. Littman
80 South 8th Street
500 IDS Center
Minneapolis, MN 55402
Telephone: (612) 632-3000
dean.eyler@lathropgpm.com
molly.littman@lathropgpm.com

Sheldon H. Klein
The Watergate
600 New Hampshire Ave., NW
Suite 700
Washington, DC 20037
Tel: (202) 295-2200
Fax: (202) 295-2265
Sheldon.klein@lathropgpm.com

Attorneys for Applicant KB Home

CERTIFICATE OF SERVICE

I hereby certify that on September 18, 2020, a true and correct copy of the foregoing ANSWER AND AFFIRMATIVE DEFENSE was served via email upon Opposer's counsel at the following:

Catherine Holland
Jason Champion
Knobbe Martens Olsen & Bear LLP
2040 Main Street, 14th Floor
Irvine, CA 92614
efiling@knobbe.com

By: /Sheldon H. Klein/
Sheldon H. Klein