

ESTTA Tracking number: **ESTTA1088495**

Filing date: **10/13/2020**

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

Proceeding	91264581
Party	Defendant Gienetix LLC
Correspondence Address	ANDERSON, METOQUA GIENETIX 536 JESSICA WAY COVINGTON, LA 70435 UNITED STATES Primary Email: metoqua@gienetix.com Secondary Email(s): janderson@gienetix.com 504-717-3089
Submission	Answer
Filer's Name	Justin Anderson
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Signature	/JUSTIN ANDERSON/
Date	10/13/2020
Attachments	GIENETIX ANSWER TO NOTICE OF OPPOSITION.pdf(124915 bytes)

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 6 and, on that basis, denies them.
7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 7 and, on that basis, denies them.
8. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 8 and, on that basis, denies them.
9. Applicant denies each and every allegation contained in Paragraph 9.
10. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 10 and, on that basis, denies them.
11. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 11 and, on that basis, denies them.
12. Applicant denies each and every allegation contained in Paragraph 12.
13. Applicant denies each and every allegation contained in Paragraph 13.

AFFIRMATIVE DEFENSES

The applicant undertakes the burden of proof only as to those defenses deemed affirmative defenses by law, regardless of how such defenses are denominated below. The applicant expressly reserves the right to plead additional affirmative and other defenses should any defenses be revealed by discovery in this case. As and for its affirmative and other defenses, The applicant states as follows:

First Affirmative Defense

The notice of opposition fails to state a claim upon which relief can be granted.

Second Affirmative Defense

There is no likelihood of confusion, mistake, or deception because, *inter alia*, the Mark and the alleged trademark of Opposer are not confusingly similar. The respective marks when considered in their entirety, are different.

Third Affirmative Defense

Opposer's claims fail to satisfy the standard of dilution as set forth in 15 U.S.C. § 1125 because its marks are not famous.

Fourth Affirmative Defense

Any and all acts alleged to have been committed by the applicant were performed with lack of knowledge and lack of willful intent.

WHEREFORE, The Applicant requests that the notice of opposition be dismissed with prejudice, together with whatever other relief the Board may deem appropriate, and permit registration of the subject marks of Applicant's Application.

Dated: October 13, 2020

Respectfully submitted,

GIENETIX, LLC

By: /Justin Anderson/

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CFO of GIENETIX, LLC

CERTIFICATE OF SERVICE

The undersigned hereby certifies that on the 13th day of October 2020, a true and correct copy of the foregoing ANSWER AND AFFIRMATIVE DEFENSES OF GIENETIX, LLC by electronic mail upon:

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Counsel for Opposer

/Justin Anderson/

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