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

Proceeding	91264787
Party	Defendant Casper Sleep Inc.
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Date	11/04/2020
Attachments	CASPER HAVEN Answer.pdf(8854 bytes)

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

In the Matter of Ser. No. 88859166
For the Mark: CASPER HAVEN

CVB Inc.,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91264787
	:	
Casper Sleep Inc.,	:	
	:	
Applicant.	:	
	:	

APPLICANT’S ANSWER TO OPPOSITION OF SERIAL NO. 88859166

Casper Sleep Inc. (“Applicant”), by its attorneys, hereby answers the allegations set forth in the Notice of Opposition to Serial No. 88859166 (“Notice of Opposition”) as follows:

1. Applicant is without knowledge sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Notice of Opposition and, therefore, they are denied.

2. Applicant refers the Board to the relevant registrations for an accurate recitation of their contents and Applicant asserts that it is without knowledge sufficient to form a belief as to the truth of the remaining allegations set forth in Paragraph 2 of the Notice of Opposition and, therefore, they are denied.

3. As to the allegations contained in Paragraph 3 of the Notice of Opposition, Applicant admits that Applicant filed an application to register CASPER HAVEN (the

“Casper Haven Application”) for “Bed frames and bed headboards” and refers the Board to the relevant application for an accurate recitation of its contents.

4. As to the allegations contained in Paragraph 4 of the Notice of Opposition, Applicant admits that the Casper Haven Application was filed on April 3, 2020 with the US Trademark Office on an intent to use basis and refers the Board to the relevant application for an accurate recitation of its contents.

5. Applicant denies the allegations contained in Paragraph 5 of the Notice of Opposition.

6. Applicant denies the allegations contained in Paragraph 6 of the Notice of Opposition.

7. Applicant denies the allegations contained in Paragraph 7 of the Notice of Opposition.

8. As to the allegations contained in Paragraph 8 of the Notice of Opposition, Applicant admits that the Casper Haven Application is for “bed frames and bed headboards” and otherwise denies the remaining allegations contained in Paragraph 8 of the Notice of Opposition.

9. As to the allegations contained in paragraph 9 of the Notice of Opposition, Applicant admits that it is a retailer of beds and bedding, denies knowledge or information sufficient to form a belief as to the truth of the allegations concerning Opposer’s business and otherwise denies the allegations contained in Paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations contained in Paragraph 10 of the Notice of Opposition.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

11. Opposer has failed to state a claim upon which relief may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

12. Opposer's claims are barred by the doctrines of laches, waiver, estoppel, and unclean hands.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

13. There is no likelihood of confusion between Applicant's mark and Opposer's marks because the respective marks are distinct.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

14. Opposer has failed to state a claim upon which relief may be granted because many similar marks are used and/or registered for similar goods by third-party entities throughout the United States.

WHEREFORE, Applicant requests that the Notice of Opposition be dismissed with prejudice, that Applicant be awarded its costs and attorneys' fees, and that the subject application be permitted to proceed to registration.

Dated: November 4, 2020

Respectfully Submitted,

FRANKFURT KURNIT KLEIN & SELZ P.C.

By: /Jean Voutsinas/

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CERTIFICATE OF SERVICE

I, Matthew Bart, certify that a copy of the foregoing Answer was served on:

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Via email this 4th day of November 2020.

/Matthew Bart/
