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

Proceeding	91266667
Party	Defendant Zibo Inc.
Correspondence Address	CONNIE L. ELLERBACH, ESQ. FENWICK & WEST LLP 801 CALIFORNIA STREET SILICON VALLEY CENTER MOUNTAIN VIEW, CA 94041-1990 UNITED STATES Primary Email: trademarks@fenwick.com (650) 988-8500
Submission	Answer
Filer's Name	Connie L. Ellerbach, Esq.
Filer's email	trademarks@fenwick.com, JDueck@fenwick.com, TSanders@fenwick.com, CEllerbach@fenwick.com
Signature	/cle1087/
Date	02/01/2021
Attachments	Zibo Inc.-Answer to ZIBO Opposition by Zego Inc. and Paylease LLC.pdf (80291 bytes)

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

In Re Serial No. 88/444,116
Filed: May 23, 2019
Published: November 24, 2020
Mark: ZIBO

Zego, Inc. and Paylease, LLC,)	
)	
)	
Opposers,)	
)	
vs.)	Opposition No. 91266667
)	
Zibo Inc.)	
)	
Applicant.)	

ZIBO INC.'s ANSWER TO NOTICE OF OPPOSITION

Applicant Zibo Inc. ("Zibo") answer Opposers Zego, Inc.'s and Paylease, LLC's ("Opposers") Notice of Opposition (the "Opposition"), and admit, deny and allege as follows.

1. Zibo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Opposers' paragraph 1 and therefore denies them.
2. Zibo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Opposers' paragraph 2 and therefore denies them.
3. Zibo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Opposers' paragraph 3 and therefore denies them.
4. Zibo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Opposers' paragraph 4 and therefore denies them.

5. Zibo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Opposers' paragraph 5 and therefore denies them.

6. Zibo admits the allegations of paragraph 6.

7. Zibo admits the allegations of paragraph 7.

8. Zibo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Opposers' paragraph 8 and therefore denies them.

9. Zibo denies the allegations in Opposers' paragraph 9.

10. Zibo denies in part the allegations in Opposers' paragraph 10 that Zibo's applied-for ZIBO mark is visually similar to Opposers' ZEGO mark. Zibo admits in part the allegations of paragraph 10 that each mark begins with the letter Z, ends with the letter O, and contains four letters.

11. Zibo denies in part the allegations in Opposers' paragraph 11 that Zibo's applied-for ZIBO mark is phonetically similar to Opposers' ZEGO mark. Zibo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Opposers' paragraph 11 that Zibo's mark may be pronounced ZEE-BO and Opposers' mark may be pronounced ZEE-GO and therefore denies them.

12. Zibo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Opposers' paragraph 12 and therefore denies them.

13. Zibo lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Opposers' paragraph 13 and therefore denies them.

14. Zibo denies the allegations in Opposer's paragraph 14.

15. Zibo denies the allegations in Opposer's paragraph 15.

FIRST AFFIRMATIVE DEFENSE

1. Zibo alleges that the Notice of Opposition fails to allege facts sufficient to state a claim or entitle Opposers to the remedy sought.

SECOND AFFIRMATIVE DEFENSE

2. Zibo alleges that its use of the trademark ZIBO, as set forth in U.S. Serial No. 88/444,116, does not create a likelihood of confusion, is not deceptive, and does not create a false suggestion of connection related to Opposers' alleged use of ZEGO, and the Notice of Opposition is therefore without merit.

THIRD AFFIRMATIVE DEFENSE

3. Zibo alleges that its use of its mark is lawful with respect to Opposers.

The above defenses and affirmative defenses are based on the facts and information currently known to Zibo. Zibo reserves the right to amend or add defenses or affirmative defenses based on facts later discovered, pled, or offered.

WHEREFORE, Zibo prays that Opposers' Notice of Opposition be dismissed and that judgment be entered in favor of Zibo.

Respectfully submitted,

Dated: February 1, 2021

/cle1087/
Connie L. Ellerbach, Esq.
Attorney for Applicant
FENWICK & WEST LLP
Silicon Valley Center
801 California Street
Mountain View, CA 94041
(650) 988-8500

PROOF OF SERVICE BY MAIL

I declare that:

I am employed in the County of Santa Clara, California.

I am over the age of eighteen years and not a party to the within cause; my business address is Fenwick & West LLP, Silicon Valley Center, 801 California Street, Mountain View, CA 94041. On February 1, 2021, I served the within **ZIBO INC.'s ANSWER TO NOTICE OF OPPOSITION** on the interested parties in said cause, by placing a true copy thereof enclosed in a sealed envelope with postage thereon fully prepaid, in the United States mail at Mountain View, California, addressed as follows:

Emily S. Whittaker
WOMBLE BOND DICKINSON (US) LLP
271 17th Street NW Suite 2400
Atlanta, GA 30363

I declare under penalty of perjury that the foregoing is true and correct, and that this declaration was executed at Mountain View, California, this 1st day of February, 2021.

/cle1087/
Connie L. Ellerbach, Esq.