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

Proceeding	91266802
Party	Defendant Sezzle Inc.
Correspondence Address	TODD R. FRONEK LARKIN HOFFMAN DALY & LINDGREN LTD. 8300 NORMAN CENTER DRIVE SUITE 1000 MINNEAPOLIS, MN 55437-1060 UNITED STATES Primary Email: ipgroup@larkinhoffman.com 952-896-3295
Submission	Answer
Filer's Name	Todd R. Fronek
Filer's email	ipgroup@larkinhoffman.com
Signature	/Todd R. Fronek/
Date	03/10/2021
Attachments	Answer to ITS Inc. Opposition 03-10-2021.pdf(83192 bytes)

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

ITS, Inc.,

Opposer,

v.

Opposition No. 91266802

Serial No. 88891706

Sezzle Inc.,

Applicant.

ANSWER TO NOTICE OF OPPOSITION

Applicant, Sezzle Inc. (“Sezzle”), for its answer to the Notice of Opposition filed by Opposer, ITS, Inc. (“ITS”), states that there is no likelihood of confusion between the referenced marks and that ITS has not and will not be damaged by Sezzle’s mark, and otherwise states and alleges as follows:

1. Sezzle admits the allegations of Paragraph 1.
2. Sezzle admits the allegations of Paragraph 2.
3. Sezzle admits the allegations of Paragraph 3.
4. Sezzle admits the allegations of Paragraph 4.
5. Sezzle denies the allegations of Paragraph 5.
6. Sezzle is without information sufficient to form a belief as to the truth or accuracy of ITS’s allegation in Paragraph 6 that its trademark is “valid” and therefore denies the same and puts ITS to its burden of proof. Further answering, Sezzle states that Registration No. 1,364,885 speaks for itself.
7. Sezzle is without information sufficient to form a belief as to the truth or accuracy of the allegations in Paragraph 7, and therefore denies the same and puts ITS to its burden of

proof.

8. Sezzle is without information sufficient to form a belief as to the truth or accuracy of the allegations in Paragraph 8, and therefore denies the same and puts ITS to its burden of proof.

9. Sezzle admits the allegations of Paragraph 9. Further answering, Sezzle states that Application Serial No. 90/430,347 speaks for itself.

10. Sezzle is without information sufficient to form a belief as to the truth or accuracy of the allegations in Paragraph 10, and therefore denies the same and puts ITS to its burden of proof.

11. Sezzle is without information sufficient to form a belief as to the truth or accuracy of the allegations in Paragraph 11, and therefore denies the same and puts ITS to its burden of proof.

12. In response to Paragraph 12, Sezzle denies that its Class 036 services are identical to the registered services in ITS's registration. Sezzle affirmatively alleges that the only parallel between ITS's Class 036 services and Sezzle's class 036 Services is the use of the phrase "electronic funds transfer" in part of the respective descriptions.

13. In response to Paragraph 13, Sezzle denies that its Class 009 good and Classes 036 and 42 services are identical to the goods and services described in ITS's Application. Sezzle affirmatively alleges that the Sezzle is without information sufficient to form a belief as to the truth or accuracy of the remaining allegations in Paragraph 13, and therefore denies the same and puts ITS to its burden of proof.

14. Sezzle is without information sufficient to form a belief as to the truth or accuracy of the allegations in Paragraph 14, and therefore denies the same and puts ITS to its burden of

proof.

15. Sezzle denies the allegations of Paragraph 15.

16. Sezzle denies the allegations of Paragraph 16.

17. Sezzle denies the allegations of Paragraph 17.

18. Except where herein admitted or otherwise qualified, Sezzle denies each and every allegation in ITS's Opposition.

AFFIRMATIVE DEFENSES

1. ITS's Opposition should be dismissed because there is no likelihood of confusion, mistake, or deception between ITS's alleged marks and Sezzle's mark.

2. Sezzle reserves the right to amend to assert such other and further affirmative defenses as may become apparent through its defense of this matter.

WHEREFORE, Sezzle respectfully requests the Board dismiss the Opposition with prejudice and permit registration of Sezzle's mark as set forth in Application Serial No. 88891706.

Dated: March 10, 2021

/John A. Kvinge /
Todd R. Fronek
John A. Kvinge
Larkin Hoffman Daly & Lindgren Ltd.
8300 Norman Center Drive, Suite 1000
Minneapolis, Minnesota 55437
Tel.: 952-835-3800
Fax: 952-896-3333

Attorneys for Sezzle Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing *Answer to Notice of Opposition* was filed electronically with the Trademark Trial and Appeal Board via ESTTA on the date shown below, and served via email on Clinton G. Newton at cgntmdocket@shb.com, as listed on the Notice of Opposition served upon the Applicant Sezzle Inc..

Date: March 10, 2021

/John A. Kvinge/ _____
John A. Kvinge
Attorney for Sezzle Inc.

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