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

Proceeding	91267206
Party	Defendant Smart Study Co., Ltd.
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Submission	Answer
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Date	06/29/2021
Attachments	Smart Study Co. Ltd. Answer (Freestyle Brands v Smart Study)_June 29 2021.pdf(150856 bytes)

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

FREESTYLE BRANDS, LLC,

Opposer,

v.

SMART STUDY CO., LTD.,

Applicant.

Opposition No. 91267206

ANSWER TO NOTICE OF OPPOSITION

Smart Study Co. Ltd., a limited company, organized and existing under the laws of South Korea (hereinafter, "Applicant"), by its undersigned attorney, hereby answers the separately numbered allegations of the Notice of Opposition (hereinafter, "Opposition") filed by Freestyle Brands, LLC (hereinafter, "Opposer") and admits, denies, and alleges as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in numbered paragraph 1 of the Opposition and therefore denies the same.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in numbered paragraph 2 of the Opposition and therefore denies the same.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in numbered paragraph 3 of the Opposition and therefore denies the same.
4. The allegations contained in numbered Paragraph 4 of the Opposition call for a legal conclusion to which no response is required. To the extent that an answer is required,

- Applicant denies the allegations contained in numbered Paragraph 4 of the Opposition.
5. Applicant denies the allegations contained in numbered Paragraph 5 of the Opposition.
 6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in numbered paragraph 6 of the Opposition and therefore denies the same.
 7. To the extent the allegations contained in numbered Paragraph 7 of the Opposition seek to paraphrase or characterize the facts, file history and documents filed with the USPTO in connection with the Application, the facts, file history and documents speak for themselves. Applicant denies the allegations contained in numbered paragraph 7 of the Opposition to the extent that they are inconsistent with the facts, file history or documents.
 8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in numbered paragraph 8 of the Opposition and therefore denies the same.
 9. The allegations contained in numbered Paragraph 9 of the Opposition call for a legal conclusion to which no response is required. To the extent that an answer is required, Applicant denies the allegations contained in numbered Paragraph 9 of the Opposition.
 10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in numbered paragraph 10 of the Opposition and therefore denies the same.
 11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in numbered paragraph 11 of the Opposition and therefore denies the same.
 12. Applicant denies the allegations contained in numbered Paragraph 12 of the Opposition.
 13. Applicant denies the allegations contained in numbered Paragraph 13 of the Opposition.
 14. Applicant denies the allegations contained in numbered Paragraph 14 of the Opposition.
 15. Applicant denies the allegations contained in numbered Paragraph 15 of the Opposition.
 16. Applicant denies the allegations contained in numbered Paragraph 16 of the Opposition.
 17. Applicant admits that Opposer is not connected with the goods sold under its Baby Shark

trademark.

18. Applicant denies the allegations contained in numbered Paragraph 18 of the Opposition.
19. Applicant denies the allegations contained in numbered Paragraph 19 of the Opposition.
20. Applicant denies the allegations contained in numbered Paragraph 20 of the Opposition.
21. Applicant denies the allegations contained in numbered Paragraph 21 of the Opposition.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The Opposition fails to state a claim upon which relief can be granted to Opposer.

Second Affirmative Defense

Applicant's use of its mark "BABY SHARK" is not likely to cause confusion with Opposer's alleged marks, the "Freestyle Shark Marks"

Third Affirmative Defense

Opposer's claims are barred by the equitable defenses of laches, acquiescence, estoppel, and/or waiver.

Fourth Affirmative Defense

Applicant hereby gives notice that it may rely on defenses that may become available or appear proper during discovery and hereby reserves its right to amend this Answer to assert any such defenses.

Respectfully submitted,

EPSTEIN DRANGEL, LLP
Attorneys for Applicant

Dated: June 29, 2021

By: / Dwana S. Dixon /
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served by e-mail, on this 29th day of June 2021 upon Opposer's attorney at the following address:

Molly Mack Crandall
Brooks Kushman, P.C.
1000 Town CTR., Fl 22nd
Southfield, MI 48075-1242
E-Mail: mcrandall@brookskushman.com; ejbrooks@brookskushman.com;
mcantor@brookskushman.com

Dated: June 29, 2021

By: / Dwana S. Dixon /

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