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

Proceeding	91267319
Party	Defendant House of Fun USA, LLC
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

PLAYTIKA US HOUSE OF FUN LIMITED,

Opposer,

Opposition No. 91267319

HOUSE OF FUN USA, LLC,

Applicant,

**ANSWER AND AFFIRMATIVE DEFENSES OF HOUSE OF FUN USA,
LLC**

Applicant HOUSE OF FUN USA, LLC (“HOFUSA”), by and through its attorney, hereby answers the notice of opposition filed by PLAYTIKA US HOUSE OF FUN LIMITED (“Opposer”) as follows. To the extent not explicitly admitted, all allegations in the opposition are denied.

ANSWER

1. HOFUSA lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 1 and, on that basis, denies them.
2. HOFUSA lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 2 and, on that basis, denies them.
3. HOFUSA lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 3 and, on that basis, denies them.
4. HOFUSA lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 4 and, on that basis, denies them.

5. HOFUSA lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 5 and, on that basis, denies them.
6. The materials referenced in Paragraph 6 speak for themselves, and to the extent the allegations in Paragraph 6 vary therewith, HOFUSA denies them.
7. The materials referenced in Paragraph 7 speak for themselves.
8. HOFUSA 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. The materials referenced in Paragraph 9 speak for themselves.
10. HOFUSA is an indoor pop-up interactive play space in New York providing a service for kids with sensory issues. Their website states they offer “unlimited bouncing in a variety bounce houses, face painting, interactive entertainment from the Crazy Professor and sensory activities.”
11. HOFUSA is a space providing a wide-range of sensory play activities such as music, athletic and science inspired installations and educational activity stations. Children with Autism and Sensory Processing Disorders often struggle with socialization, communication, play and imagination. Applicant encourages exploration and discovery for those seeking sensory stimulation. The initial application was narrowed to state as such.
12. See Paragraph 11 above.
13. HOFUSA lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 13 and, on that basis, denies them.
14. HOFUSA lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 14 and, on that basis, denies them.
15. HOFUSA denies this.
16. While HOFUSA’s mark and Opposer’s mark may sound identical, there is no likelihood of confusion. Opposer creates downloadable slot machines and play free casino games for ADULTS on Facebook, iPhone and Androids. Opposer’s website states “the games are intended for an adult audience age 21 and older.” Registrant is an indoor pop-up interactive play space in New York providing a service for KIDS with sensory issues. The space provides a wide-range of sensory play activities such as music, athletic and science inspired installations and educational activity stations. Children with Autism and Sensory Processing Disorders often struggle with socialization, communication, play and imagination. Registrant encourages exploration and discovery for those seeking sensory stimulation. Registrant does not make or utilize slot machines or casino games now or at any time in the past.
17. The materials referenced in Paragraph 17 speak for themselves.

18. See Paragraph 16 above.
19. See Paragraph 16 above.
20. See Paragraph 16 above. HOFUSA denies this claim.
21. See Paragraph 16 above. HOFUSA denies this claim.
22. See Paragraph 16 above. HOFUSA denies this claim.
23. See Paragraph 16 above. HOFUSA denies this claim.
24. See Paragraph 16 above. HOFUSA denies this claim.
25. See Paragraph 16 above. HOFUSA denies this claim.
26. See Paragraph 16 above. HOFUSA denies this claim.
27. See Paragraph 16 above. HOFUSA denies this claim.
28. HOFUSA lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 28 and, on that basis, denies them.
29. HOFUSA denies this claim.
30. HOFUSA lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 30 and, on that basis, denies them.
31. HOFUSA lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 31 and, on that basis, denies them.
32. HOFUSA denies this claim.
33. See Paragraph 16 above. HOFUSA denies this claim.
34. HOFUSA lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 34 and, on that basis, denies them.
35. The materials referenced in Paragraph 35 speak for themselves.
36. The materials referenced in Paragraph 36 speak for themselves.
37. HOFUSA denies this claim.

AFFIRMATIVE DEFENSES

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

for its affirmative and other defenses, HOFUSA states as follows:

First Affirmative Defense

There is no likelihood of confusion, mistake, or deception between Opposer's mark and HOFUSA mark. PLAYTIKA UK - HOUSE OF FUN LIMITED is a company that creates downloadable slot machines and play free casino games for ADULTS on Facebook, iPhone and Androids. Opposer's website states "the games are intended for an adult audience age 21 and older. Registrant is an indoor pop-up interactive play space in New York providing a service for KIDS with sensory issues. The space provides a wide-range of sensory play activities such as music, athletic and science inspired installations and educational activity stations. Children with Autism and Sensory Processing Disorders often struggle with socialization, communication, play and imagination. Registrant encourages exploration and discovery for those seeking sensory stimulation. Registrant does not make or utilize slot machines or casino games now or at any time in the past.

Second Affirmative Defense

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

WHEREFORE, HOFUSA requests that the notice of opposition be dismissed with prejudice, together with whatever other relief the Board may deem appropriate.

Dated: February 2, 2021

Respectfully submitted,

/kimberlykorn/

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Petitioner'S RESPONSE TO REQUEST was served by email on this 2nd day of February 2021 on counsel for Petitioner:

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