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Filing date: **04/26/2021**

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

Proceeding	91267633
Party	Defendant Wood One Co., Ltd.
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Submission	Motion to Amend/Amended Answer or Counterclaim
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Date	04/26/2021
Attachments	First Amended Answer.pdf(22983 bytes)

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



In the matter of Trademark Application No. 79/267992 for the mark
Published in the Official Gazette January 12, 2021

_____)	
CCA Global Partners, Inc.)	
)	
Opposer,)	
)	
v.)	Opposition No. 91267633
)	
)	
Wood One Co., Ltd.)	
)	
Applicant.)	
_____)	

**FIRST AMENDED ANSWER AND AFFIRMATIVE DEFENSES TO NOTICE OF
OPPOSITION**

Wood One Co., Ltd. (“Applicant”), by its undersigned counsel, hereby files its First Amended Answer and Affirmative Defenses to the Notice of Opposition as follows:

ANSWER

1. Applicant admits the allegations set forth in Paragraph 1 of the Notice of Opposition.
2. Applicant admits the allegations set forth in Paragraph 2 of the Notice of Opposition.
3. Applicant is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3, and, therefore, all such allegations are denied.

4. With respect of Paragraph 4, Applicant admits the records of the USPTO reflect what is reported in such records.

5. With respect of Paragraph 5, Applicant admits the records of the USPTO and Trademark Trial and Appeal Board reflect what is reported in such records.

6. With respect of Paragraph 6, Applicant admits the records of the USPTO reflect what is reported in such records.

7. Applicant is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7, and, therefore, all such allegations are denied.

8. Applicant is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8, and, therefore, all such allegations are denied.

9. Applicant is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9, and, therefore, all such allegations are denied.

10. Applicant is without information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10, and, therefore, all such allegations are denied.

11. With respect of Paragraph 11, Applicant admits the records of the USPTO reflect what is reported in such records.

12. Applicant denies the allegations set forth in Paragraph 12.

13. Applicant denies the allegations set forth in Paragraph 13.

14. Applicant denies the allegations set forth in Paragraph 14.

15. Applicant denies the allegations set forth in Paragraph 15.

16. Applicant denies the allegations set forth in Paragraph 16.

17. Applicant denies the allegations set forth in Paragraph 17.

18. Applicant denies the allegations set forth in Paragraph 18.

19. Applicant denies the allegations set forth in Paragraph 19.

20. Applicant denies the allegations set forth in Paragraph 20.

AFFIRMATIVE DEFENSES

1. The Notice of Opposition fails to state any grounds to support a finding that the marks at issue are likely to be confused.

2. The marks at issue are not likely to be confused since the mark are dissimilar.

3. The marks at issue are not likely to be confused since the goods and/or services with which each is used or is intended to be used are dissimilar.

4. The marks at issue are not likely to be confused since no actual confusion occurred during the years certain of these marks were in concurrent use.

5. The marks at issue are not likely to be confused since the target customers for the goods and/or services offered or to be offered under each mark are not likely to confuse Applicant's mark with any of Opposer's marks or the offerings under each.

6. The marks at issue are not likely to be confused since there are numerous third party marks consisting of or containing the word "ONE" or the numeral "1" that are used and/or registered for use on or in connection with goods and/or services identical or related to the goods and/or services offered by Opposer and/or contained in Opposer's Registrations, diluting the strength of Opposer's marks and limiting the scope of protection and enforcement that may be afforded to Opposer's marks.

7. Opposer's Opposition is barred by principles of equity and fairness, including estoppel and/or acquiescence, since Opposer did not oppose Applicant's previous application for WOODONE, did not petition to cancel Applicant's previously issued and now cancelled US registration for the mark WOODONE, and did not object to or otherwise challenge Applicant's use of the mark WOODONE at any time during the multiple years Applicant used its WOODONE mark in the US concurrently with Opposer's alleged use of Opposer's marks.

WHEREFORE, the Notice of Opposition in this matter should be denied and Applicant's application should proceed through prosecution to registration.

Respectfully submitted,

Dated: April 26, 2021

By: /Susan Neuberger Weller/
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CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing FIRST AMENDED ANSWER AND AFFIRMATIVE DEFENSES TO NOTICE OF OPPOSITION was served by e-mail, on this 26th day of April, 2021 on the following:

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