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

Proceeding	91268120
Party	Defendant La Jolla Cove Motel And Hotel Apartments, LLC
Correspondence Address	CARLO F. VAN DEN BOSCH SHEPPARD MULLIN RICHTER & HAMPTON LLP 650 TOWN CENTER DRIVE 10TH FLOOR COSTA MESA, CA 92626 UNITED STATES Primary Email: uspto-tm-oc@sheppardmullin.com Secondary Email(s): cvandenbosch@sheppardmullin.com, mwisniewski@sheppardmullin.com 714-513-5100
Submission	Answer
Filer's Name	Michelle Wisniewski, Carlo Van den Bosch
Filer's email	uspto-tm-oc@sheppardmullin.com, cvandenbosch@sheppardmullin.com, mwisniewski@sheppardmullin.com
Signature	/mlw/
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Attachments	LLJ Answer to TLTP Notice of Opposition re THE PINES Applications.pdf (121107 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

The Lodge at Torrey Pines

Opposer,

v.

La Jolla Cove Motel And Hotel
Apartments, LLC

Applicant.

Opposition No.: 91,268,120

**LA JOLLA COVE MOTEL AND
HOTEL APARTMENTS LLC'S
ANSWER TO NOTICE OF
OPPOSITION**

Applicant La Jolla Cove Motel And Hotel Apartments, LLC (“Applicant”) hereby answers and responds to the allegations set forth in the Notice of Opposition (the “Notice”) filed by The Lodge at Torrey Pines (“Opposer”) as follows:

In response to the allegations in Opposer’s preliminary statement, Applicant admits that it is the owner of applications Serial Nos. 88/779,694, 88/779,732, 88/779,727, and 88/779,698 (the “Applications”) enumerated therein. Applicant denies that Opposer will be damaged by registration of the marks covered by the Applications. Applicant admits that, in the Notice, Opposer opposes the Applications. Except as expressly admitted herein, Applicant denies the allegations set forth in the preliminary statement to Opposer’s Notice.

Applicant responds to Opposer’s grounds for opposition as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of the Notice. Therefore, on that basis, the allegations are denied.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 of the Notice. Therefore, on that basis, the allegations are denied.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 of the Notice. Therefore, on that basis, the allegations are denied.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 of the Notice. Therefore, on that basis, the allegations are denied.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 of the Notice. Therefore, on that basis, the allegations are denied.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 of the Notice. Therefore, on that basis, the allegations are denied.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7 of the Notice. Therefore, on that basis, the allegations are denied.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8 of the Notice. Therefore, on that basis, the allegations are denied.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 of the Notice. Therefore, on that basis, the allegations are denied.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 of the Notice. Therefore, on that basis, the allegations are denied.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 of the Notice. Therefore, on that basis, the allegations are denied.

12. Applicant denies the allegations in Paragraph 12 of the Notice.

13. Applicant denies that “Applicant’s goods and services, including the goods identified in Applicant’s Applications, are highly related to the goods and services offered or intended to be offered by Opposer in connection with Opposer’s TORREY PINES Marks, including the goods and services identified in the three registrations owned by Opposer.” Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 13 of the Notice. Therefore, on that basis, the allegations are denied.

14. Applicant denies the allegations in Paragraph 14 of the Notice.

15. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 15 of the Notice. Therefore, on that basis, the allegations are denied.

16. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 16 of the Notice. Therefore, on that basis, the allegations are denied.

AFFIRMATIVE DEFENSES

As to its affirmative defenses to the Notice, and each purported claim stated therein, Applicant alleges as follows:

1. Any of Applicant's conduct that is alleged to be unlawful was taken as a result of conduct or lack thereof by Opposer, and Opposer is thus estopped to assert any claim for relief against Applicant.

2. Opposer's claims are barred under the doctrine of laches.

3. Opposer's claims are barred under the doctrine of acquiescence.

4. Opposer, by its actions and inactions regarding the subject matter of this Opposition, waived any and all claims against Applicant.

5. Opposer's claims are barred by the doctrine of unclean hands.

6. Applicant is still investigating this matter and reserves the right to assert additional affirmative defenses as they become known.

WHEREFORE, Applicant prays that this opposition be denied with prejudice and that the Applications be permitted to issue as registrations.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **LA JOLLA COVE MOTEL AND HOTEL APARTMENTS LLC'S ANSWER TO NOTICE OF OPPOSITION** has been served on The Lodge at Torrey Pines by emailing said document to the following email addresses of record: efiling@knobbe.com.

Dated: April 20, 2021

/s/ Michelle L. Wisniewski
Michelle L. Wisniewski