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

Proceeding no.	91270721
Party	Plaintiff Entrepreneurial Ventures Capital Co., L.L.C.
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Submission	Answer to Counterclaim
Filer's name	Gregg Zegarelli
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Signature	/Gregg Zegarelli/
Date	01/08/2024
Attachments	Answer and Affirmative Defenses.pdf(488701 bytes)

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

In re Application of	:	
	:	Opposition 91273333
WILLIAMS-SONOMA, INC.	:	
	:	
Serial Nos.: 90592171	:	ANSWER TO COUNTER-
Mark: THE ONE	:	CLAIM AND AFFIRMATIVE
<hr style="width: 30%; margin-left: 0;"/>	:	DEFENSES
	:	
ENTREPRENEURIAL VENTURES	:	
CAPITAL CO., L.L.C.	:	
	:	
Opposer,	:	
	:	
v.	:	
	:	
WILLIAMS-SONOMA, INC.,	:	
	:	
Applicant.	:	

ANSWER TO COUNTERCLAIM AND AFFIRMATIVE DEFENSES

Registrant generally denies the counterclaim pursuant to 15 U.S.C. § 1064(6), 37 C.F.R. § 2.106(b)(3)(i), and TBMP § 313.04, that WSI asserts a counterclaim for cancellation of Registration No. 3,865,993 for the mark ONE, on the ground that Opposer has never used the mark that is the subject of that registration in commerce on or in connection with the goods covered by the registration or that Applicant believes it is or will be damaged by the continued registration of the mark that is the subject of Registration No. 3,865,993. To the extent that Counterclaimant has made cognizable averments, Registrant responds as follows:

1. The averments set forth in Paragraphs 1–5 of Counterclaimant’s Counterclaim are purported out of context references to the USPTO record or are conclusions of law to which no response is required. To the extent that any response is required to said averments, Registrant

generally denies said averments, except that Registrant admits the USPTO record in such form as it exists.

6. The averments set forth in Paragraph 6 Counterclaimant's Counterclaim are conclusions of law to which no response is required. To the extent that any response is required to said averments, Registrant generally denies said averment including the basis for a registration.

7. The averments set forth in Paragraph 7 Counterclaimant's Counterclaim are conclusions of law to which no response is required. To the extent that any response is required to said averments, Registrant generally denies said averments including that Registrant has not used the mark.

8. The averments set forth in Paragraph 7 Counterclaimant's Counterclaim are conclusions of law to which no response is required. To the extent that any response is required to said averments, Registrant generally denies said averments including that Registrant has not used the mark and/or that Registrant WSI believes it is or will be damaged.

WHEREFORE, Registrant requests that this Board deny the counterclaim for cancellation and not to cancel Registration No. 3,865,993.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Counterclaimant's Counterclaim fails to state a claim on the facts averred and fail to set forth a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

Counterclaimant's Counterclaim is barred by the doctrine of laches.

THIRD AFFIRMATIVE DEFENSE

Counterclaimant's Counterclaim is barred by the statute of limitation.

FOURTH AFFIRMATIVE DEFENSE

Counterclaimant's Counterclaim is barred by the expiration of more than three years pursuant to 15 U.S.C. § 1064.

FIFTH AFFIRMATIVE DEFENSE

Counterclaimant's Counterclaim is barred by Registrant's compliance with the requirements set forth for a valid registration and the rights and presumptions granted thereby.

January 8, 2024

Respectfully submitted,

/s/Gregg R. Zegarelli/
Gregg R. Zegarelli, Esq.
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CERTIFICATE OF SERVICE

The following person or persons have been served by electronic mail on the date below:

rpeteron@kilpatricktownsend.com; tadmin@kilpatricktownsend.com;
dvargas@kilpatricktownsend.com; vbelevich@kilpatricktownsend.com

January 8, 2024

/s/Gregg R. Zegarelli/
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