

ESTTA Tracking number: **ESTTA1208561**

Filing date: **05/11/2022**

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

Proceeding no.	91270877
Party	Defendant LIBERTY PROCUREMENT CO. INC.
Correspondence address	GREGG A. PARADISE LERNER, DAVID, LITTENBERG, KRUMHOLZ & MENTLIK, LLP 20 COMMERCE DRIVE CRANFORD, NJ 07016 UNITED STATES Primary email: trademarkadmin@lernerdavid.com 908-654-5000
Submission	Answer
Filer's name	Gregg A. Paradise
Filer's email	gparadise@lernerdavid.com
Signature	/Gregg A. Paradise/
Date	05/11/2022
Attachments	Answer to SLT Opp.pdf(20952 bytes )



5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the allegations.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the allegations with regard to the “SUR LA TABLE” mark. Further, Applicant does not understand the applicability of the “LAURA ASHLEY” mark to this proceeding, and likewise denies the allegations of this paragraph with regard to the “LAURA ASHLEY” mark.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the allegations with regard to the “SUR LA TABLE” mark. Further, Applicant does not understand the applicability of the “LAURA ASHLEY” mark to this proceeding, and likewise denies the allegations of this paragraph with regard to the “LAURA ASHLEY” mark.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the allegations.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the allegations.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the allegations.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the allegations.

12. Applicant admits that copies of U.S. Trademark Registrations have been attached to the Notice.

13. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the allegations.

14. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the allegations.

15. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the allegations.

16. Applicant admits that it seeks to obtain registration on the Principal Register of the trademark "OUR TABLE" for the goods listed in this paragraph.

17. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the allegations.

18. Denied.

19. Applicant admits the first sentence of Paragraph 19. Applicant denies the second paragraph of Paragraph 19.

20. Applicant incorporates its answers to Paragraphs 1 through 19 herein by reference.

21. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the allegations.

22. Applicant admits that some employees of Applicant had knowledge of Opposer's SUR LA TABLE Mark at the time that Applicant filed its application, but otherwise denies the allegations of this paragraph.

23. Denied.

24. Denied.

25. Denied.

26. Denied.

27. Applicant incorporates its answers to Paragraphs 1 through 26 herein by reference.

28. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the allegations.

29. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of this paragraph and therefore denies the allegations.

30. Denied.

31. Denied.

**FIRST AFFIRMATIVE DEFENSE**

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

**SECOND AFFIRMATIVE DEFENSE**

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

**THIRD AFFIRMATIVE DEFENSE**

Opposer's claims are barred or limited by the doctrine of fair use.

**FOURTH AFFIRMATIVE DEFENSE**

Opposer's claims are barred or limited by the doctrines of laches and estoppel.

Opposition No.: 91270877

WHEREFORE, Applicant requests that the Notice of Opposition be dismissed, and that Applicant's Trademark Application Serial No. 90/372,308 be allowed.

Respectfully Submitted,  
LERNER, DAVID, LITTENBERG,  
KRUMHOLZ & MENTLIK, LLP

Dated: May 11, 2022

By: /Gregg A. Paradise/  
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*Attorneys for Applicant  
Liberty Procurement Co. Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the within ANSWER TO NOTICE OF OPPOSITION has been served upon the following counsel of record this 11<sup>th</sup> day of May, 2022, as follows:

**VIA E-MAIL**

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/Gregg A. Paradise/  
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Opposition No. 91270877