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

Proceeding	91271594
Party	Defendant ZENTERRA LLC
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Date	10/18/2021
Attachments	Answer and Affirmative Defenses to doTerra Opposition.pdf(443632 bytes)

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

doTERRA HOLDINGS, LLC,

Opposer,

vs.

ZENTERRA, LLC,

Applicant

Opposition No.: 91271594

Mark: ZENTERRA

Class: 05, 35

Application No. 88846215

**APPLICANT ZENTERRA, LLC’S ANSWER AND AFFIRMATIVE DEFENSES TO
OPPOSER doTERRA HOLDINGS, LLC’S NOTICE OF OPPOSITION**

Applicant Zenterra, LLC (“Applicant”), owner of Application No. 88846215 files its Answer and Affirmative Defenses to the Notice of Opposition filed by doTERRA Holdings, LLC (“Opposer”), stating as follows:

ANSWER

1. Applicant lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 1, and therefore denies them.
2. The allegations in Paragraph 2 of the Notice of Opposition contain one or more legal conclusions to which no response is required. To the extent any such allegations are deemed requiring a response, Applicant denies them.
3. Applicant lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 3, and therefore denies them.
4. Applicant lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 4, and therefore denies them.

5. Applicant lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 5, and therefore denies them.
 6. The records of the USPTO speak for themselves. To the extent Paragraph 6 of the Notice of Opposition contains any factual or other allegations that are inconsistent with USPTO records, this Answer or any Defense, Applicant is presently without knowledge or information sufficient to form a belief as to truth or falsity of such allegations, and on that basis denies them.
 7. The allegations in Paragraph 7 of the Notice of Opposition contain one or more legal conclusions to which no response is required. To the extent any such allegations are deemed requiring a response, Applicant denies them.
 8. Applicant denies the allegations contained in Paragraph 8 of the Notice of Opposition.
 9. Applicant lacks knowledge and information sufficient to form a belief as to the truth of the allegations in Paragraph 9, and therefore denies them.
 10. Applicant denies the allegations contained in Paragraph 10 of the Notice of Opposition.
 11. Applicant denies the allegations contained in Paragraph 11 of the Notice of Opposition.
 12. Applicant denies the allegations contained in Paragraph 12 of the Notice of Opposition.
 13. Applicant denies the allegations contained in Paragraph 13 of the Notice of Opposition.
 14. Applicant denies the allegations contained in Paragraph 14 of the Notice of Opposition.
 15. Applicant admits the allegations contained in Paragraph 15 of the Notice of Opposition.
 16. Applicant denies the allegations contained in Paragraph 16 of the Notice of Opposition.
- Applicant denies that Opposer is entitled to any of the relief in Opposer's prayer for relief.

AFFIRMATIVE DEFENSES

Without admitting any allegations in the Notice of Opposition not otherwise admitted, Applicant avers and asserts affirmative defenses as follows:

FIRST AFFIRMATIVE DEFENSE

Opposer has failed to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

There is no likelihood of confusion, mistake, or deception as a whole between Opposer's mark(s) and Applicant's mark or as to the source of Opposer's and Applicant's respective products and services.

THIRD AFFIRMATIVE DEFENSE

Opposer's claims are barred, in whole or in part, because Opposer is misusing its trademarks and the trademark registration process to prevent the legitimate use and registration of other trademarks.

FOURTH AFFIRMATIVE DEFENSE

Opposer's claims are barred, in whole or in part, because there is no factual basis to support a claim of priority over Applicant's mark.

FIFTH AFFIRMATIVE DEFENSE

Opposer's claims are barred, in whole or in part, by the doctrine of unclean hands.

PRAYER FOR RELIEF

Wherefore, having fully answered Opposer's Notice of Opposition, Applicant respectfully prays:

- (i) that the Opposition be dismissed and/or denied in its entirety, with prejudice;

- (ii) that Judgment be entered in favor of Applicant on the Opposition and on each and every claim thereof;
- (iii) that Applicant's Application remain active and be allowed to mature to registration on the Principal Register; and
- (iv) that Applicant be granted such other relief as the Board deems just and proper.

Respectfully submitted,

/s/ Tal Grinblat

Tal Grinblat, Esq.

State Bar No. 192842

Matthew J. Soroky, Esq.

State Bar No. 258230

Lewitt, Hackman, Shapiro, Marshall & Harlan

A Professional Law Corporation

16633 Ventura Boulevard, 11th Floor

Encino, CA 91436

Date: October 18, 2021

CERTIFICATE OF SERVICE

I, Marianne Toghia, hereby certify that a true and complete copy of the foregoing:

**APPLICANT ZENTERRA, LLC'S ANSWER AND AFFIRMATIVE DEFENSES
TO OPPOSER DOTERRA HOLDINGS, LLC'S NOTICE OF OPPOSITION**

was served via email on Opposer and Opposer's last known attorney(s) of record on the date set forth below:

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Attorneys for dōTERRA Holdings, LLC.

Executed on October 18, 2021 at Encino, California.

/s/Marianne Toghia
Marianne Toghia