

ESTTA Tracking number: **ESTTA1174799**

Filing date: **11/24/2021**

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

Proceeding	91272366
Party	Defendant JOI HOLDING LLC
Correspondence Address	JULIE TENNYSON MARCUM TENNYSON PLLC PO BOX 9551 PADUCAH, KY 42002 UNITED STATES Primary Email: <a href="mailto:jtennyson@marcumtennyson.com">jtennyson@marcumtennyson.com</a> Secondary Email(s): <a href="mailto:jultenn6@yahoo.com">jultenn6@yahoo.com</a> 270-534-5135
Submission	Answer
Filer's Name	Julie A. Tennyson
Filer's email	<a href="mailto:jtennyson@marcumtennyson.com">jtennyson@marcumtennyson.com</a> , <a href="mailto:jultenn6@yahoo.com">jultenn6@yahoo.com</a>
Signature	/Julie A. Tennyson/
Date	11/24/2021
Attachments	Answer.pdf(68471 bytes )

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

In the Matter of U.S. Trademark Application Serial No. 90/305056  
For the mark PRODIRECT  
Publication Date: April 20, 2021

FERGUSON ENTERPRISES, LLC	:	
	:	
Opposer,	:	
	:	
	:	OPPOSITION NO. 9127366
v.	:	
	:	
JOI HOLDING LLC,	:	
	:	
Applicant.	:	

**Answer to Notice of Opposition**

JOI Holding LLC (“Applicant”), by and through its attorneys, hereby responds to the Notice of Opposition of U.S. Trademark Application Serial No. 90/305056 (the “’056 Application”) by Ferguson Enterprises, LLC (“Opposer”) as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Notice of Opposition, and therefore the allegations are denied.

2. Applicant denies the allegations of paragraph 2 of the Notice of Opposition.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 3 of the Notice of Opposition, and therefore the allegations are denied.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 4 of the Notice of Opposition, and therefore the allegations are denied.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Notice of Opposition, and therefore the allegations are denied.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Notice of Opposition, and therefore the allegations are denied.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Notice of Opposition, and therefore the allegations are denied.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Notice of Opposition, and therefore the allegations are denied.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Notice of Opposition, and therefore the allegations are denied.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Notice of Opposition, and therefore the allegations are denied.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Notice of Opposition, and therefore the allegations are denied.

12. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 12 of the Notice of Opposition, and therefore the allegations are denied.

13. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Notice of Opposition, and therefore the allegations are denied.

14. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 14 of the Notice of Opposition, and therefore the allegations are denied.

15. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 15 of the Notice of Opposition, and therefore the allegations are denied.

16. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the Notice of Opposition, and therefore the allegations are denied.

17. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 17 of the Notice of Opposition, and therefore the allegations are denied.

18. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 18 of the Notice of Opposition, and therefore the allegations are denied.

19. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 19 of the Notice of Opposition, and therefore the allegations are denied.

20. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 20 of the Notice of Opposition, and therefore the allegations are denied.

21. Applicant admits the allegations of paragraph 21 of the Notice of Opposition.

22. Applicant admits the allegations of paragraph 22 of the Notice of Opposition.

23. Applicant admits the allegations of paragraph 23 of the Notice of Opposition.

24. Applicant denies the allegations of paragraph 24 of the Notice of Opposition.

25. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 25 of the Notice of Opposition, and therefore the allegations are denied.

26. Applicant denies the allegations of paragraph 26 of the Notice of Opposition.

27. Applicant denies the allegations of paragraph 27 of the Notice of Opposition.

28. Applicant denies the allegations of paragraph 28 of the Notice of Opposition.

29. Applicant denies the allegations of paragraph 29 of the Notice of Opposition.

30. Applicant admits the allegations of paragraph 30 of the Notice of Opposition.

31. Applicant denies the allegations of paragraph 31 of the Notice of Opposition.

32. Applicant denies the allegations of paragraph 32 of the Notice of Opposition.

33. Applicant denies the allegations of paragraph 33 of the Notice of Opposition.

34. Applicant denies the allegations of paragraph 34 of the Notice of Opposition.

35. Applicant denies the allegations of paragraph 35 of the Notice of Opposition.

36. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 36 of the Notice of Opposition, and therefore the allegations are denied.

37. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 37 of the Notice of Opposition, and therefore the allegations are denied.

38. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 38 of the Notice of Opposition, and therefore the allegations are denied.

39. Applicant denies the allegations of paragraph 39 of the Notice of Opposition.

40. Applicant denies the allegations of paragraph 40 of the Notice of Opposition.

41. Applicant denies the allegations of paragraph 41 of the Notice of Opposition.

42. Applicant denies the allegations of paragraph 42 of the Notice of Opposition.

43. Applicant denies the allegations of paragraph 43 of the Notice of Opposition.

### **Defenses**

1. Applicant reserves the right to rely upon the affirmative defenses found in Federal Rule of Civil Procedure 8(c) that may be applicable based upon the evidence produced in this matter.

2. Applicant reserves the right to raise additional affirmative defenses based upon further discovery and investigation.

WHEREFORE, Applicant prays for judgment as follows:

A. for dismissal of the Notice of Opposition with prejudice; and

B. for any and all other relief as the Board deems proper.

Dated this 24th day of November, 2021.

Respectfully submitted,

MARCUM TENNYSON PLLC

/s/ Julie A. Tennyson  
Julie A. Tennyson  
S. Scott Marcum  
P.O. Box 9551  
Paducah, Kentucky 42002  
(270) 534-5135  
jtennyson@marcumtennyson.com  
COUNSEL FOR JOI HOLDING LLC

### **CERTIFICATE**

I hereby certify that on this the 24th day of November, 2021, a true and correct copy of the foregoing document was served on attorney for Opposer via email, to:

William R. Pointer  
wpoynter@kaleolegal.com

Alexandra M. Gabriel  
agabriel@kaleolegal.com

/s/ Julie A. Tennyson  
Julie A. Tennyson