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

Proceeding	91272523
Party	Defendant AddShoppers, Inc.
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Date	12/06/2021
Attachments	MINTY -- Answer to Notice of Opposition -- Final.pdf(176855 bytes)

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

In re the Applications of:

AddShoppers, Inc. DBA Minty.com
Application Serial No.: 90/550,708
Filed: February 27, 2021
Mark: MINTY
Published in the Official Gazette
of October 26, 2021

MByte Tech Hongkong Limited,)	
)	
Opposer,)	
)	
v.)	
)	
AddShoppers, Inc.)	
)	
Applicant.)	
)	

Opposition No. 91272523

Trademark Trial and Appeal Board
Commissioner for Trademarks
P.O. Box 1451
Alexandria, Virginia 22313-1451

ANSWER AND AFFIRMATIVE DEFENSES

Applicant AddShoppers, Inc. DBA Minty.com (“Applicant”), by counsel and pursuant to 37 C.F.R. § 2.106, hereby answers and otherwise responds to the Notice of Opposition filed by MByte Tech Hongkong Limited DBA Loveminty.net. (“Opposer”) in the above-captioned matter and states as follows:

ANSWER

Applicant answers and responds to the individually numbered paragraphs in the Notice of Opposition as follows:

1. Applicant is without information sufficient to form a belief about the truth of the allegations in Paragraph 1, and therefore, Applicant denies Paragraph 1.

2. Denied.

3. Denied.

4. Denied.

5. Applicant is without information sufficient to form a belief about the truth of the allegations in Paragraph 5, and therefore, Applicant denies Paragraph 5.

6. Applicant is without information sufficient to form a belief about the truth of the allegations in Paragraph 6, and therefore, Applicant denies Paragraph 6.

7. Denied.

8. Applicant is without information sufficient to form a belief about the truth of the allegations in Paragraph 8, and therefore, Applicant denies Paragraph 8.

9. Applicant is without information sufficient to form a belief about the truth of the allegations in Paragraph 9, and therefore, Applicant denies Paragraph 9.

10. Applicant is without information sufficient to form a belief about the truth of the allegations in Paragraph 10, and therefore, Applicant denies Paragraph 10.

11. Applicant is without information sufficient to form a belief about the truth of the allegations in Paragraph 11, and therefore, Applicant denies Paragraph 11.

12. Applicant is without information sufficient to form a belief about the truth of the allegations in Paragraph 12, and therefore, Applicant denies Paragraph 12.

13. Applicant admits that it acquired “Mango”, a company that offered a browser plugin. Applicant denies the remaining allegations contained in Paragraph 13.

14. Denied.

15. Admitted.

16. Applicant is without information sufficient to form a belief about the truth of the allegations in Paragraph 16, and therefore, Applicant denies Paragraph 16.

17. Applicant is without information sufficient to form a belief about the truth of the allegations in Paragraph 17, and therefore, Applicant denies Paragraph 17.

18. Applicant is without information sufficient to form a belief about the truth of the allegations in Paragraph 18, and therefore, Applicant denies Paragraph 18.

19. Applicant admits that it filed its “MINTY” trademark application with the United States Patent and Trademark Office on February 27, 2021. Applicant denies the remaining allegations in Paragraph 19.

20. Admitted.

21. Applicant is without information sufficient to form a belief about the truth of the allegations in Paragraph 21, and therefore, Applicant denies Paragraph 21.

22. Denied.

23. Applicant submits that the declaration contained in its trademark applications speaks for itself and Applicant denies the remaining allegations in Paragraph 23.

24. Denied.

25. Denied.

26. Denied.

27. Denied.

28. Applicant admits that it received a letter dated August 17, 2021 and Applicant refused to cease use of the “Minty” trademark and “minty.com” domain. Applicant denies the remaining allegations contained in Paragraph 28.

29. Applicant is without information sufficient to form a belief about the truth of the allegations in Paragraph 29, and therefore, Applicant denies Paragraph 29.

30. Admitted.

31. Admitted

32. Denied.

33. Denied.

34. Denied

35. Denied.

36. Denied.

37. Denied

38. Denied

39. Denied.

40. Denied.

41. Applicant is without information sufficient to form a belief about the truth of the allegations in Paragraph 41, and therefore, Applicant denies Paragraph 41.

42. Applicant is without information sufficient to form a belief about the truth of the allegations in Paragraph 42, and therefore, Applicant denies Paragraph 42.

43. Admitted

44. Applicant is without information sufficient to form a belief about the truth of the allegations in Paragraph 44, and therefore, Applicant denies Paragraph 44.

45. Applicant is without information sufficient to form a belief about the truth of the allegations in Paragraph 45, and therefore, Applicant denies Paragraph 45.

46. Denied.

47. Denied.

48. Denied.

49. Denied.

50. Applicant is without information sufficient to form a belief about the truth of the allegations in Paragraph 50, and therefore, Applicant denies Paragraph 50.

51. Denied.

52. Applicant is without information sufficient to form a belief about the truth of the allegations in Paragraph 52, and therefore, Applicant denies Paragraph 52.

53. Denied.

54. Denied.

55. Denied.

56. Denied.

57. Denied.

58. Denied.

59. Applicant is without information sufficient to form a belief about the truth of the allegations in Paragraph 59, and therefore, Applicant denies Paragraph 59.

60. Denied.

61. Paragraph 61 sets forth a legal conclusion to which no response is required. To the extent a response may be required, Applicant lacks sufficient information to either admit or deny the allegations in Paragraph 61, and on that basis denies the same.

62. Denied.

63. Denied.

64. Denied.

65. Denied.

AFFIRMATIVE DEFENSES

Applicant asserts that the following defenses bar Opposer's requested relief in its Notice of Opposition.

1. Opposer's Notice of Opposition is barred, in whole or in part, because Opposer failed to state a claim upon which relief can be granted.
2. Opposer's Notice of Opposition is barred, in whole or in part, by the doctrine of unclean hands.
3. Opposer's Notice of Opposition is barred, in whole or in part, on the ground that any recovery would constitute unjust enrichment under the circumstances presented.
4. Opposer's Notice of Opposition is barred, in whole or in part, due to Plaintiff's illegal acts.
5. Opposer's Notice of Opposition is barred, in whole or in part, due to the equitable defense of laches, acquiescence, waiver, or estoppel.
6. Opposer has not and will not be damaged by the registration of the mark in U.S. Trademark Application Serial No. 90/550,708.
7. Applicant hereby gives notice that it may rely on any other defenses that may become available or appear proper during discovery, and hereby reserves its right to amend its Answer to assert any such defenses.

PRAYER FOR RELIEF

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed with prejudice, and that Opposer be denied any relief whatsoever.

Respectfully submitted,
MORRIS, MANNING & MARTIN, LLP

Dated: December 6, 2021

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CERTIFICATE OF SERVICE

I hereby certify that on this 6th day of December 2021, a true and correct copy of the foregoing document was served upon Opposer's attorney of record via electronic mail to:

David Silver
Bayramoglu Law Offices LLC
1540 West Warm Springs Road, Suite 100
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Dated: December 6, 2021

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