

ESTTA Tracking number: **ESTTA1218633**

Filing date: **06/30/2022**

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

Proceeding no.	91273021
Party	Defendant FYH Industries LLC
Correspondence address	ROBERT POWERS MCCLANAHAN POWERS PLLC 3160 FAIRVIEW PARK DRIVE SUITE 410 FALLS CHURCH, VA 22042 UNITED STATES Primary email: rpowers@mcplegal.com Secondary email(s): sanderson@mcplegal.com, dmurphy@mcplegal.com 703-520-1326
Submission	Answer
Filer's name	Robert Powers, Esq.
Filer's email	rpowers@mcplegal.com, vcaballero@mcplegal.com, sanderson@mcplegal.com
Signature	/Robert Powers/
Date	06/30/2022
Attachments	FYH TTAB 91273021 Answer 06302022.pdf(105511 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.: 90/538,034  
For the Mark: Koa Cycling  
Published in *Official Gazette*: October 26, 2021  
Opposition Filed: November 19, 2021

Kona USA, Inc.,	)	
	)	
Opposer,	)	Opposition No. 91273021
	)	
v.	)	
	)	
FYH Industries, LLC,	)	
	)	
Applicant.	)	
	)	

**ANSWER TO NOTICE OF OPPOSITION**

Applicant FYH Industries, LLC (“Applicant”), by and through its undersigned counsel hereby responds to the Notice of Opposition filed by Opposer Kona USA, Inc. (“Opposer”), in connection with Applicant’s application for its standard character trademark KOA CYCLING, U.S. Trademark App. Serial No. 90/538,034, as follows:

1. Admitted.
2. Admitted.

3. With regards to the allegations in Paragraph 3, Applicant is without information or knowledge to admit or deny the allegations contained in Paragraph 3. To the extent that a response may be required, Applicant denies the allegations contained in Paragraph 3, in accordance with TBMP 311.02 and 37 C.F.R. § 2.106(b)(2), and demands strict proof thereof.

4. With regards to the allegations in Paragraph 4, Applicant is without information or knowledge to admit or deny the allegations contained in Paragraph 4. To the extent that a response may be required, Applicant denies the allegations contained in Paragraph 4, in

accordance with TBMP 311.02 and 37 C.F.R. § 2.106(b)(2), and demands strict proof thereof.

5. With regards to the allegations in Paragraph 5, Applicant is without information or knowledge to admit or deny the allegations contained in Paragraph 5. To the extent that a response may be required, Applicant denies the allegations contained in Paragraph 5, in accordance with TBMP 311.02 and 37 C.F.R. § 2.106(b)(2), and demands strict proof thereof.

6. With regards to the allegations in Paragraph 6, Applicant is without information or knowledge to admit or deny the allegations contained in Paragraph 6. To the extent that a response may be required, Applicant denies the allegations contained in Paragraph 6, in accordance with TBMP 311.02 and 37 C.F.R. § 2.106(b)(2), and demands strict proof thereof.

7. With regards to the allegations in Paragraph 7, Applicant is without information or knowledge to admit or deny the allegations contained in Paragraph 7. To the extent that a response may be required, Applicant denies the allegations contained in Paragraph 7, in accordance with TBMP 311.02 and 37 C.F.R. § 2.106(b)(2), and demands strict proof thereof.

8. With regards to the allegations in Paragraph 8, and its subparts, Applicant is without information or knowledge to admit or deny the allegations contained in Paragraph 8, or its subparts. To the extent that a response may be required, Applicant denies the allegations contained in Paragraph 8, and its subparts, in accordance with TBMP 311.02 and 37 C.F.R. § 2.106(b)(2), and demands strict proof thereof.

9. With regards to the allegations in Paragraph 9, Applicant is without information or knowledge to admit or deny the allegations contained in Paragraph 9. To the extent that a response may be required, Applicant denies the allegations contained in Paragraph 9, in accordance with TBMP 311.02 and 37 C.F.R. § 2.106(b)(2), and demands strict proof thereof.

Date: June 30, 2022

Respectfully submitted,

By: /s/ Robert Powers

Robert Powers, Esq.  
Steven Anderson, Esq.  
MCCLANAHAN POWERS, PLLC  
3160 Fairview Park Drive, Suite 410  
Falls Church, VA 22042  
Telephone: (703) 520-1326  
Facsimile: (703) 828-0205  
Email: [rpowers@mcplegal.com](mailto:rpowers@mcplegal.com)  
[sanderson@mcplegal.com](mailto:sanderson@mcplegal.com)  
[vcaballero@mcplegal.com](mailto:vcaballero@mcplegal.com)

*Counsel for Applicant*

### **CERTIFICATE OF SERVICE**

Pursuant to TBMP R. 113 and 37 CFR § 2.119, I hereby certify that on June 30, 2022, a true copy of this document was served via email upon the following attorney of record for Opposer, Steven E. Klein, DAVIS WRIGHT TREMAINE LLP, 1300 SW Fifth Avenue, Suite 2400, Portland, OR 97201, at [stevenklein@dwt.com](mailto:stevenklein@dwt.com), [sheilafoxmorrison@dwt.com](mailto:sheilafoxmorrison@dwt.com), [pdxmenforcement@dwt.com](mailto:pdxmenforcement@dwt.com), and [pdxtrademarks@dwt.com](mailto:pdxtrademarks@dwt.com).

By: /s/ Robert Powers  
Robert Powers, Esq.