

ESTTA Tracking number: **ESTTA1181228**

Filing date: **12/27/2021**

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

Proceeding no.	91273029
Party	Defendant Newell, Bethany C
Correspondence address	NEWELL, BETHANY C 1591 W 8740 S WEST JORDAN, UT 84088 UNITED STATES Primary email: <a href="mailto:bnbutterfly@gmail.com">bnbutterfly@gmail.com</a> Secondary email(s): <a href="mailto:bethany@shamelessheathen.com">bethany@shamelessheathen.com</a> 406-270-8182
Submission	Answer
Filer's name	Bethany Newell
Filer's email	<a href="mailto:bnbutterfly@gmail.com">bnbutterfly@gmail.com</a> , <a href="mailto:bethany@shamelessheathen.com">bethany@shamelessheathen.com</a>
Signature	/Bethany Newell/
Date	12/27/2021
Attachments	Opposition Response 12.27.21.pdf(136150 bytes )

Trademark Trial and Appeal Board Electronic Filing System. <http://estta.uspto.gov>

ESTTA Tracking number: ESTTA1173735

Filing date: 12/27/2021

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

Proceeding: 91273029

Party: Newell, Bethany C  
Shameless Heathen

Correspondence Bethany Newell

Address: 1591 W 8740 S  
West Jordan, UT 84088  
[bnbutterfly@gmail.com](mailto:bnbutterfly@gmail.com), [bethany@shamelessheathen.com](mailto:bethany@shamelessheathen.com)  
no phone number provided

Submission: Answer

Filers Name: Bethany C Newell

Filers Email: [bnbutterfly@gmail.com](mailto:bnbutterfly@gmail.com)

Signature: /Bethany Newell/

Date: 12/27/2021

Attachments: Answer to Notice of Opposition SHAMELESS HEATHEN

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

**In the Matter of Trademark Application Serial No. 90/540,296**

Heathen Nation LLC	)	Opposition No.:
Opposer	)	
v.	)	
Bethany C Newell DBA Shameless	)	
Heathen, a sole proprietorship	)	
composed of Bethany Colleen Newell,	)	
a citizen of the United States,	)	

\_\_\_\_\_ Applicant \_\_\_\_\_.

**ANSWER TO NOTICE OF OPPOSITION**

Applicant Bethany C Newell (“Applicant”) hereby answers the notice of opposition of Opposer Heathen Nation, LLC (“Opposer”) as following. All allegations not specifically admitted herein are denied.

1. Applicant is without sufficient knowledge or information to admit or deny the allegations in all paragraphs, and therefore, denies the same.

**AFFIRMATIVE DEFENSES**

2. No like of confusion exists between Applicant’s use of its SHAMELESS HEATHEN mark and Opposers use of its alleged HEATHEN NATION LLC Marks
3. Opposer’s claims are barred by the doctrine of unclean hands.
4. The requested relief is barred by the equitable doctrine of laches, estoppel, and/or acquiescence.
5. Opposer’s claims fail to satisfy the standard for dilution as set forth in 15 U.S.C. § 1125 because its marks are not famous.

Respectfully Submitted,

Dated: December 27<sup>th</sup>, 2021

**Bethany C Newell**

1591 W 8740 S

West Jordan, UT 84088

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[bethany@shamelessheathen.com](mailto:bethany@shamelessheathen.com)

**APPLICANT**

**CERTIFICATE OF SERVICE**

I hereby certify that on December 27, 2021 a true and correct copy of the foregoing was served via email upon Opposer's counsel at the following via email:

WILLIAM J. BRUCKER  
STETINA BRUNDA GARRED & BRUCKER

wbrucker@stetinalaw.com

knelson@stetinalaw.com

[opposition@stetinalaw.com](mailto:opposition@stetinalaw.com)

Dated: December 27, 2021

/Bethany C. Newell/