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

Proceeding no.	91273627
Party	Defendant Vortex Comics, Incorporated
Correspondence address	ANNE E. KEENAN-YATES FISHERBROYLES LLP 1029 PEACHTREE PARKWAY NORTH, SUITE 195 PEACHTREE CITY, GA 30269 UNITED STATES Primary email: docketing@fisherbroyles.com Secondary email(s): anne.keenan-yates@fisherbroyles.com , victoria.brewster@fisherbroyles.com , kristin.hooper@fisherbroyles.com 678-632-6933
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Signature	/deborah l. lively/
Date	01/28/2022
Attachments	Answer to VORTEX COMICS Notice of Opposition -filed.pdf(124299 bytes)

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

VORTEX MAN LLC

Opposer,

v.

VORTEX COMICS, INCORPORATED

Applicant.

Opposition No. 91273627

Mark: VORTEX COMICS

Serial No. 90/449142

ANSWER

VORTEX COMICS, INCORPORATED (“Applicant”) hereby answers the Notice of Opposition filed in the above-styled opposition proceeding as follows:

In response to the unnumbered introductory paragraph in the Notice of Opposition, Applicant denies that Vortex Man LLC (“Opposer”) will be damaged by registration of Serial No. 90/449142 for the mark VORTEX COMICS (“Applicant’s Mark”). Applicant admits that it filed Application Serial No. 90/449142 for the mark VORTEX COMICS with the U.S. Patent and Trademark Office (“USPTO”). Applicant also admits that it is a Canadian corporation with its principal place of business of 19 Waterman Avenue, Suite 208, Toronto CANADA M4B1Y2. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in the unnumbered introductory paragraph of the Notice of Opposition and therefore denies same.

1) Paragraph 1 Answer: Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 1 of the Notice of Opposition and therefore denies same.

- 2) Paragraph 2 Answer: Applicant admits that USPTO records indicate Opposer is the owner of U.S. Registration No. 4,358,486 for the mark VORTEX MAN in International Class 035 for “Promoting public awareness of environmental issues and initiatives” and that USPTO records show that this registration is currently registered (with the USPTO’s acceptance of a Section 8 Declaration). Applicant denies that Exhibit A attached to the Notice of Opposition includes printouts from the USPTO’s TESS and TSDR electronic databases of the VORTEX MAN registration.
- 3) Paragraph 3 Answer: Applicant notes that there is no Paragraph 3 in the Notice of Opposition.
- 4) Paragraph 4 Answer: Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 4 of the Notice of Opposition and therefore denies same.
- 5) Paragraph 5 Answer: Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 5 of the Notice of Opposition and therefore denies same.
- 6) Paragraph 6 Answer: Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in Paragraph 6 of the Notice of Opposition and therefore denies same.
- 7) Paragraph 7 Answer: Applicant admits the allegations set forth in Paragraph 7 of the Notice of Opposition.
- 8) Paragraph 8 Answer: Applicant denies the allegations set forth in Paragraph 8 of the Notice of Opposition.

- 9) Paragraph 9 Answer: Applicant denies the allegations set forth in Paragraph 9 of the Notice of Opposition.
- 10) Paragraph 10 Answer: Applicant denies the allegations set forth in Paragraph 10 of the Notice of Opposition.
- 11) Paragraph 11 Answer: Applicant denies the allegations set forth in Paragraph 11 of the Notice of Opposition.
- 12) Paragraph 12 Answer: Applicant denies the allegations set forth in Paragraph 12 of the Notice of Opposition.
- 13) Paragraph 13 Answer: Applicant denies the allegations set forth in Paragraph 13 of the Notice of Opposition.
- 14) Paragraph 14 Answer: Applicant denies the allegations set forth in Paragraph 14 of the Notice of Opposition.

Except as set forth herein, all other paragraphs and all other allegations contained in the Notice of Opposition are denied by Applicant.

WHEREFORE, Applicant respectfully requests that the TTAB reject Opposer's arguments and relief prayed for, dismiss this Opposition action with prejudice, and allow Applicant's Mark to mature to registration on the USPTO's Principal Register.

Please recognize Debbie Lively of FisherBroyles LLP, P.O. Box 380308, Duncanville, Texas USA 75138, debbie.lively@fisherbroyles.com and docketing@fisherbroyles.com, as attorney for Applicant, and please address all correspondence concerning this proceeding to Debbie Lively at this address and email addresses.

This 28th day of January 2022.

Respectfully submitted,

FISHERBROYLES LLP

/s/Deborah L. Lively

Deborah L. Lively

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer was served on counsel for Opposer, this 28th day of January 2022, by sending same via email as follows:

Stephen P. McNamara, Esq.
smcnamara@ssjr.com; litigation@ssjr.com

/s/Deborah L. Lively
Deborah L. Lively
Attorney for Applicant

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