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

Proceeding no.	91273691
Party	Defendant Sculpt Management, LLC
Correspondence address	ANI AGRAWAL NK PATENT LAW 4917 WATERS EDGE DRIVE SUITE 275 RALEIGH, NC 27606 UNITED STATES Primary email: aagrwal@nkpatentlaw.com Secondary email(s): docket@nkpatentlaw.com 7043537124
Submission	Answer
Filer's name	Ani Agrawal
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Signature	/Ani Agrawal/
Date	02/07/2022
Attachments	1269-6TM-20220207-Answer-and-COS.pdf(46765 bytes)

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

ANDRE P. MARSHALL,)	
Opposer,)	Opposition No.: 91273691
)	
v.)	
)	Serial No.: 90/555,261
SQULPT MANAGEMENT, LLC,)	
Applicant.)	Mark: PETITE BBL
)	
)	
)	
)	
)	

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

Applicant SQULPT MANAGEMENT, LLC (“Applicant”), a Delaware company, located and doing business at 27509 Agoura Road, Agoura Hills, CA 91301, hereby answers the Notice of Opposition (“Notice”) filed by ANDRE P. MARSHALL (“Opposer”) against Application Serial No. 90/555,261 (“Application”) as set forth below.

Answering the first unnumbered paragraph of the Notice, Applicant admits that the mark PETITE BBL (“Applicant’s Mark”) is the subject of Application Serial No. 90/555,261, which Applicant filed on March 02, 2021, and which was published for opposition in the Official Gazette on October 26, 2021. Applicant denies the remaining allegations contained in the first unnumbered paragraph of the Notice.

1. Answering Paragraph 1 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 1 of the Notice, and therefore, on that basis denies the allegations contained therein.
2. Answering Paragraph 2 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 2 of the Notice, and therefore, on that basis denies the allegations contained therein.
3. Answering Paragraph 3 of the Notice, Applicant denies the allegations contained therein.
4. Answering Paragraph 4 of the Notice, Applicant denies the allegations contained therein.
5. Answering Paragraph 5 of the Notice, Applicant denies the allegations contained therein.
6. Answering Paragraph 6 of the Notice, Applicant admits the allegations contained therein.
7. Answering Paragraph 7 of the Notice, Applicant admits the allegations contained therein.
8. Answering Paragraph 8 of the Notice, Applicant admits that the first use anywhere date, and the first use in commerce date, stated in the Application is *as least as early as* September 11, 2020. Applicant denies the remainder of the allegations contained therein.
9. Answering Paragraph 9 of the Notice, Applicant admits the allegations contained therein.
10. Answering Paragraph 10 of the Notice, Applicant admits the allegations contained therein.
11. Answering Paragraph 11 of the Notice, Applicant admits the allegations contained therein.
12. Answering Paragraph 12 of the Notice, Applicant admits the allegations contained therein.
13. Answering Paragraph 13 of the Notice, Applicant denies the allegations contained therein.

14. Answering Paragraph 14 of the Notice, Applicant repeats and alleges each and every answer set forth in the preceding paragraphs as if fully set forth herein.
15. Answering Paragraph 15 of the Notice, Applicant denies the allegations contained therein.
16. Answering Paragraph 16 of the Notice, Applicant denies the allegations contained therein.
17. Answering Paragraph 17 of the Notice, Applicant denies the allegations contained therein.
18. Answering Paragraph 18 of the Notice, Applicant denies the allegations contained therein.
19. Answering Paragraph 19 of the Notice, Applicant denies the allegations contained therein.
20. Answering Paragraph 20 of the Notice, Applicant denies the allegations contained therein.
21. Answering Paragraph 21 of the Notice, Applicant denies the allegations contained therein.
22. Answering Paragraph 22 of the Notice, Applicant denies the allegations contained therein.
23. Answering Paragraph 23 of the Notice, Applicant denies the allegations contained therein.
24. Answering Paragraph 24 of the Notice, Applicant repeats and alleges each and every answer set forth in the preceding paragraphs as if fully set forth herein.

25. Answering Paragraph 25 of the Notice, Applicant denies the allegations contained therein.
26. Answering Paragraph 26 of the Notice, Applicant denies the allegations contained therein.
27. Answering Paragraph 27 of the Notice, Applicant denies the allegations contained therein.
28. Answering Paragraph 28 of the Notice, Applicant denies the allegations contained therein.
29. Answering Paragraph 29 of the Notice, Applicant repeats and alleges each and every answer set forth in the preceding paragraphs as if fully set forth herein.
30. Answering Paragraph 30 of the Notice, Applicant denies the allegations contained therein.
31. Answering Paragraph 31 of the Notice, Applicant denies the allegations contained therein.
32. Answering Paragraph 32 of the Notice, Applicant denies the allegations contained therein.
33. Answering Paragraph 33 of the Notice, Applicant denies the allegations contained therein.
34. Answering Paragraph 34 of the Notice, Applicant denies the allegations contained therein.
35. Answering Paragraph 35 of the Notice, Applicant repeats and alleges each and every answer set forth in the preceding paragraphs as if fully set forth herein.

36. Answering Paragraph 36 of the Notice, Applicant denies the allegations contained therein.

36. Answering Paragraph 36 of the Notice, Applicant admits the allegations contained therein.

37. Answering Paragraph 37 of the Notice, Applicant denies the allegations contained therein.

38. Answering Paragraph 38 of the Notice, Applicant denies the allegations contained therein.

39. Answering Paragraph 39 of the Notice, Applicant denies the allegations contained therein.

40. Answering Paragraph 40 of the Notice, Applicant denies the allegations contained therein.

41. Answering Paragraph 41 of the Notice, Applicant denies the allegations contained therein.

42. Answering Paragraph 42 of the Notice, Applicant denies the allegations contained therein.

43. Answering Paragraph 43 of the Notice, Applicant denies the allegations contained therein.

44. Answering Paragraph 44 of the Notice, Applicant denies the allegations contained therein.

45. Answering Paragraph 45 of the Notice, Applicant denies the allegations contained therein.

46. Answering Paragraph 46 of the Notice, Applicant repeats and alleges each and every answer set forth in the preceding paragraphs as if fully set forth herein.

47. Answering Paragraph 47 of the Notice, Applicant denies the allegations contained therein.

48. Answering Paragraph 48 of the Notice, Applicant denies the allegations contained therein.

49. Answering Paragraph 49 of the Notice, Applicant denies the allegations contained therein.

50. Answering Paragraph 50 of the Notice, Applicant denies the allegations contained therein.

51. Answering Paragraph 51 of the Notice, Applicant denies the allegations contained therein.

52. Answering Paragraph 52 of the Notice, Applicant denies the allegations contained therein.

53. Answering Paragraph 53 of the Notice, Applicant denies the allegations contained therein.

54. Answering Paragraph 54 of the Notice, Applicant denies the allegations contained therein.

55. Answering Paragraph 55 of the Notice, Applicant admits the allegations contained therein. Applicant further states that no license or permission from Opposer was needed.

56. Answering Paragraph 56 of the Notice, Applicant denies the allegations contained therein.

AFFIRMATIVE DEFENSES

Applicant alleges the following affirmative defenses. There may be additional affirmative defenses to the claims in the Notice that are currently unknown to Applicant. Therefore, Applicant reserves the right to amend its Answer to the Notice to allege additional affirmative defenses in the event that discovery of additional information indicates they are appropriate.

FIRST AFFIRMATIVE DEFENSE

The Notice fails to state a claim for which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

The claims in the Notice are barred by the doctrine of laches, acquiescence, waiver, and/or estoppel.

WHEREFORE, Applicant denies that Opposer will be damaged by registration of Applicant's PETITE BBL mark shown in Application Serial No. 90/555,261 and thus requests that the opposition be denied and that the Trademark Trial and Appeal Board dismiss the Notice of Opposition with prejudice.

ANSWER TO OPPOSITION
Opposition No.: 91273691

Date: February 7, 2022

Respectfully submitted,

NK Patent Law



By: _____
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