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

Proceeding no.	91273965
Party	Plaintiff DSM IP Assets B.V.
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_____	)	
DSM IP ASSETS B.V.	)	
	)	
Opposer/Respondent,	)	
	)	Opposition No. 91273965
v.	)	Application Serial No. 90598004
	)	
MEG GROUP INC	)	
Applicant/Petitioner.	)	

**ANSWER TO COUNTERCLAIMS**

Opposer/Respondent, DSM IP ASSETS B.V. (including its predecessor in interest) (“Opposer”), hereby Answers the Counterclaims of Applicant/Petitioner as follows.

The following paragraph numbers refer to the numbers used in Applicant/Petitioner’s Counterclaims.

Opposer reserves the right supplement.

23. Denied.

24. Denied.

25. Denied.

26. Denied and irrelevant to this proceeding; Opposer is a global company that has been in existence since 1902 and that is the owner of more than the stated number, some of which are live and some of which are dead, which is to be expected for a global company that is over one hundred years old.

27. Denied and irrelevant to this proceeding; Opposer has been involved in over one hundred matters at the U.S. Trademark Trial and Appeal Board, which is not surprising for a global company that has been in existence since 1902.

28. Admitted (except for the January 2018 date in b., which should be a December 2017 date) and irrelevant to the subject proceeding.

29. Admitted that Opposer is the owner of the registration asserted in the subject proceeding, but denied that Opposer does not presently use the trademark on the goods stated in the registration.

30. Applicant adopts, realleges, and reincorporates by reference each and every answer contained in the previous paragraphs.

31. Admitted.

32. Admitted.

33. Admitted.

34. Denied as written in a nonsensical fashion.

35. Admitted.

36. Admitted.

37. Admitted.

38. First sentence – admitted. Second sentence – denied.

39. Denied.

40. First sentence – admitted. Second sentence – denied.

41. Denied.

42. Applicant's statement makes no sense, and, therefore, cannot be answered other than to say that on August 2, 2016, the USPTO issued the Notice of Acceptance Under Section 8 and the Notice of Registration Renewal Under Section 9.

43. Denied.

44. Denied.

45. Denied.

#### AFFIRMATIVE DEFENSES

46. Upon information and belief, Applicant/Petitioner knows or should know that:

(a) Opposer/Respondent's Registration No. 3097409 for the MEG-3 trademark for goods in Class 5 is valid and incontestable,

(b) Opposer/Respondent has used the MEG-3 trademark in the United States for goods in Class 5,

(c) Opposer/Respondent has prior U.S. rights as stated in the Notice of Opposition, and

(d) the USPTO has already refused registration of Applicant's MEG trademark in U.S. Trademark Application Serial No. 88155938 because of a likelihood of confusion with Opposer's MEG-3 trademark in U.S. Trademark Registration No. 3097409 and, consequently, Applicant's MEG trademark application was abandoned and marked dead, as of August 1, 2019, without Applicant ever complaining about or challenging Opposer's U.S. Trademark Registration No. 3097409.

Thus, Applicant/Petitioner's Counterclaims not only fail to properly set forth a valid claim for which the requested relief can be granted, but they are also barred by laches, estoppel, and/or acquiescence.

WHEREFORE, Opposer/Respondent requests that the Counterclaims be denied and that the Opposition be sustained and that registration to Applicant/Petitioner be refused.

Date: Monday, March 28, 2022

Respectfully submitted,

/Duane M. Byers/

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Attorneys for Opposer/Respondent,  
DSM IP ASSETS B.V.

**Certificate of Service**

The undersigned certifies that a copy of this document was served on Applicant/Petitioner's attorney by email at the email address of record on this date.

/Duane M. Byers/

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