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

Proceeding no.	91274806
Party	Defendant WALZ L337 LLC
Correspondence address	WALZ L337 LLC 1334 ROUTE 9 SUITE 19 TOMS RIVER, NJ 08755 UNITED STATES Primary email: lincolnwalz@gmail.com No phone number provided
Submission	Answer
Filer's name	Rexford Brabson
Filer's email	rex@t-rexlaw.com
Signature	/Rexford Brabson/
Date	03/30/2022
Attachments	2022.03.30-Answer.pdf(159167 bytes )

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

In the matter of Trademark Application Ser. No. 90616107

Applicant: WALZ L337 LLC

Mark: GAMERNOOK

Nook Digital, LLC	)	
	)	
Opposer,	)	
	)	
vs.	)	Opposition No. 91274806
	)	
WALZ L337 LLC	)	
	)	
Applicant.	)	
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UNITED STATES PATENT AND TRADEMARK OFFICE  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

**APPLICANT’S ANSWER**

In response to Opposer Nook Digital, LLC’s (“Opposer”) Notice of Opposition, Applicant WALZ L337 LLC (“Applicant”) responds as follows:

Applicant denies each and every allegation of the Notice of Opposition unless it is expressly admitted herein:

- 1) Admitted to the extent that the information listed appears to be the same information listed in Applicant’s Application.
- 2) Admitted to the extent that the information listed appears to be the same information listed in Applicant’s Application.
- 3) Paragraph 3 calls for a legal conclusion to which no response is necessary. To the extent

a response is necessary, Applicant denies the allegations.

4) Paragraph 4 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

5) Paragraph 5 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

6) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 6, and therefore, denies the same.

7) Paragraph 7 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

8) Paragraph 8 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

9) Paragraph 9 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

10) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 10, and therefore, denies the same.

11) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 11, and therefore, denies the same.

12) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 12, and therefore, denies the same.

13) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 13, and therefore, denies the same.

14) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 14, and therefore, denies the same.

- 15) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 15, and therefore, denies the same.
- 16) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 16, and therefore, denies the same.
- 17) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 17, and therefore, denies the same.
- 18) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 18, and therefore, denies the same.
- 19) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 19, and therefore, denies the same.
- 20) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 20, and therefore, denies the same.
- 21) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 21, and therefore, denies the same.
- 22) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 22, and therefore, denies the same.
- 23) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 23, and therefore, denies the same.
- 24) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 24, and therefore, denies the same.
- 25) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 25, and therefore, denies the same.
- 26) Applicant is without sufficient knowledge or information to form a belief as to the

allegations of paragraph 26, and therefore, denies the same.

27) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 27, and therefore, denies the same.

28) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 28, and therefore, denies the same.

29) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 29, and therefore, denies the same.

30) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 30, and therefore, denies the same.

31) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 31, and therefore, denies the same.

32) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 32, and therefore, denies the same.

33) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 33, and therefore, denies the same.

34) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 34, and therefore, denies the same.

35) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 35, and therefore, denies the same.

36) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 36, and therefore, denies the same.

37) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 37, and therefore, denies the same.

- 38) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 38, and therefore, denies the same.
- 39) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 39, and therefore, denies the same.
- 40) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 40, and therefore, denies the same.
- 41) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 41, and therefore, denies the same.
- 42) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 42, and therefore, denies the same.
- 43) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 43, and therefore, denies the same.
- 44) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 44, and therefore, denies the same.
- 45) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 45, and therefore, denies the same.
- 46) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 46, and therefore, denies the same.
- 47) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 47, and therefore, denies the same.
- 48) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 48, and therefore, denies the same.
- 49) Applicant is without sufficient knowledge or information to form a belief as to the

allegations of paragraph 49, and therefore, denies the same.

50) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 50, and therefore, denies the same.

51) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 51, and therefore, denies the same.

52) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 52, and therefore, denies the same.

53) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 53, and therefore, denies the same.

54) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 54, and therefore, denies the same.

55) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 55, and therefore, denies the same.

56) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 56, and therefore, denies the same.

57) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 57, and therefore, denies the same.

58) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 58, and therefore, denies the same.

59) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 59, and therefore, denies the same.

60) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 60, and therefore, denies the same.

- 61) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 61, and therefore, denies the same.
- 62) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 62, and therefore, denies the same.
- 63) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 63, and therefore, denies the same.
- 64) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 64, and therefore, denies the same.
- 65) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 65, and therefore, denies the same.
- 66) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 66, and therefore, denies the same.
- 67) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 67, and therefore, denies the same.
- 68) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 68, and therefore, denies the same.
- 69) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 69, and therefore, denies the same.
- 70) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 70, and therefore, denies the same.
- 71) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 71, and therefore, denies the same.
- 72) Applicant is without sufficient knowledge or information to form a belief as to the



allegations of paragraph 72, and therefore, denies the same.

73) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 73, and therefore, denies the same.

74) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 74, and therefore, denies the same.

75) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 75, and therefore, denies the same.

76) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 76, and therefore, denies the same.

77) Applicant is without sufficient knowledge or information to form a belief as to the allegations of paragraph 77, and therefore, denies the same.

78) Paragraph 78 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

79) Paragraph 79 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

80) Admitted to the extent that the information listed appears to be the same information listed in Applicant's Application.

81) Paragraph 81 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

82) Paragraph 82 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

83) Paragraph 83 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

84) Paragraph 84 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

85) Paragraph 85 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

86) Paragraph 86 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

87) Paragraph 87 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

88) Paragraph 88 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

89) Paragraph 89 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

90) Paragraph 90 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

91) Paragraph 91 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

92) Paragraph 92 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

93) Paragraph 93 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

94) Paragraph 94 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

95) Paragraph 95 calls for a legal conclusion to which no response is necessary. To the extent

a response is necessary, Applicant denies the allegations.

96) Paragraph 96 calls for a legal conclusion to which no response is necessary. To the extent a response is necessary, Applicant denies the allegations.

97) No response is required to Opposer's paragraph 97.

98) No response is required to Opposer's paragraph 98.

### **AFFIRMATIVE DEFENSES**

1) First Affirmative Defense: There is no likelihood of confusion, mistake, or deception between Opposer's Marks and Applicant's Mark.

- a. Specifically, Applicant has used Applicant's Mark since at least as early as 2008, and therefore has priority of use of Applicant's Mark.
- b. Moreover, Applicant's Mark and Opposer's Marks differ in appearance, sound, connotation, and commercial impression.
- c. Finally, Applicant's Services and Opposer's Goods and Services vary significantly. Applicant operates a physical local area network ("LAN") center where consumers can rent computers or other gaming platforms to play video games. In contrast, Opposer offers electronic readers and electronic books, among other related goods and services. Opposer does not run or operate a LAN center.

2) Second Affirmative Defense: Any and all acts alleged to have been committed by Applicant were performed with lack of knowledge and lack of willful intent.

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March 30, 2022

Respectfully submitted,

*/s/ Rexford Brabson, Esq.*

Rexford Brabson  
T-Rex Law, P.C.  
Attorneys for Applicant  
7040 Avenida Encinas #104-333  
Carlsbad, CA 92011

**CERTIFICATE OF SERVICE**

I hereby certify that a true copy of the foregoing APPLICANT'S ANSWER is being electronically mailed to the following address:

TODD BRAVERMAN  
PEARL COHEN ZEDEK LATZER BARATZ LLP  
TIMES SQUARE TOWER 7 TIMES SQUARE, 19TH FLOOR  
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*/s/ Rexford Brabson*  
Rexford Brabson

March 30, 2022