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

Proceeding no.	91274818
Party	Defendant Pico Networks, Inc.
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the Matter of

Application Ser. No. 90534817
For the Mark: PICO
Filed: February 18, 2021
Published: November 2, 2021

FAIR ISAAC CORPORATION;)	Opposition No. 91274818
)	
v. Opposer,)	
)	ANSWER TO NOTICE OF
PICO NETWORKS, INC.)	OPPOSITION
)	
Applicant.)	

Applicant, Pico Networks, Inc. (“Pico Networks”), by and through its undersigned counsel of record, hereby provides its Answer to Notice of Opposition (“Opposition”) filed by Opposer Fair Isaac Corporation (“Opposer”) as follows:

1. Pico Networks is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 of the Opposition, and therefore denies the same.
2. Pico Networks is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 of the Opposition, and therefore denies the same.
3. Pico Networks is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 of the Opposition, and therefore denies the same.
4. In response to Paragraph 4 of the Opposition, to the extent that Opposer has acquired trademark registrations, Pico Networks states that the registration documents speak for themselves. Pico Networks is otherwise without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 of the Opposition, and therefore denies the same.
5. The allegations contained in Paragraph 5 of the Opposition are legal conclusions

and therefore no response is required from Pico Networks. To the extent a response is deemed required, Pico Networks denies the allegations in Paragraph 5 of the Opposition.

6. In response to Paragraph 6 of the Opposition, to the extent that Opposer has filed an application for a trademark registration, Pico Networks states that the registration application documents speak for themselves. Pico Networks is otherwise without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 of the Opposition, and therefore denies the same.

7. In response to Paragraph 7 of the Opposition, to the extent that Opposer has acquired trademark registrations, Pico Networks states that the registration documents speak for themselves. Pico Networks is otherwise without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7 of the Opposition, and therefore denies the same

8. The allegations contained in Paragraph 8 of the Opposition are legal conclusions and therefore no response is required from Pico Networks. To the extent a response is deemed required, Pico Networks denies the allegations in Paragraph 8 of the Opposition.

9. Pico Networks is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 of the Opposition, and therefore denies the same.

10. Pico Networks is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 of the Opposition, and therefore denies the same.

11. Pico Networks is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 11 of the Opposition, and therefore denies the same.

12. The allegations contained in Paragraph 12 of the Opposition are legal conclusions and therefore no response is required from Pico Networks. To the extent a response is deemed required, Pico Networks denies the allegations in Paragraph 12 of the Opposition.

13. Pico Networks is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 13 of the Opposition, and therefore denies the same.

14. Pico Networks admits the allegations of Paragraph 14 of the Opposition.
15. Pico Networks admits the allegations of Paragraph 15 of the Opposition.
16. The allegations contained in Paragraph 16 of the Opposition are legal conclusions and therefore no response is required from Pico Networks. To the extent a response is deemed required, Pico Networks denies the allegations in Paragraph 16 of the Opposition.
17. The allegations contained in Paragraph 17 of the Opposition are legal conclusions and therefore no response is required from Pico Networks. To the extent a response is deemed required, Pico Networks denies the allegations in Paragraph 17 of the Opposition.
18. The allegations contained in Paragraph 18 of the Opposition are legal conclusions and therefore no response is required from Pico Networks. To the extent a response is deemed required, Pico Networks denies the allegations in Paragraph 18 of the Opposition.
19. Pico Networks admits that the date of first use in its Application is October 18, 2017. Pico Networks is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 19 of the Opposition, and therefore denies the same.
20. Pico Networks is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20 of the Opposition, and therefore denies the same.
21. The allegations contained in Paragraph 21 of the Opposition are legal conclusions and therefore no response is required from Pico Networks. To the extent a response is deemed required, Pico Networks denies the allegations in Paragraph 21 of the Opposition.
22. Pico Networks denies the allegations in Paragraph 22 of the Opposition.
23. Pico Networks admits that the letters “P” and “F” as identified in Paragraph 23 of the Opposition are different and distinct letters. Pico Networks denies that its applied for mark “PICO” differs from each of Opposer’s claimed FICO Marks on the basis of one letter.
24. The allegations contained in Paragraph 24 of the Opposition are legal conclusions and therefore no response is required from Pico Networks. To the extent a response is deemed required, Pico Networks denies the allegations in Paragraph 24 of the Opposition.

25. Pico Networks denies the allegations in Paragraph 25 of the Opposition.

26. To the extent that the allegations contained in Paragraph 26 of the Opposition are based on trademark registration and trademark registration applications, the relevant documents speak for themselves.

27. Pico Networks denies the allegations in Paragraph 27 of the Opposition.

28. Pico Networks denies the allegations in Paragraph 28 of the Opposition.

29. Pico Networks denies the allegations in Paragraph 29 of the Opposition.

30. Pico Networks denies the allegations in Paragraph 30 of the Opposition.

31. Pico Networks denies the allegations in Paragraph 31 of the Opposition.

32. Pico Networks denies the allegations in Paragraph 32 of the Opposition.

33. Pico Networks denies the allegations in Paragraph 33 of the Opposition.

34. Pico Networks denies the allegations in Paragraph 34 of the Opposition.

GENERAL DENIAL

Except as specifically admitted herein, Pico Networks denies each and every allegation contained in the Opposition.

AFFIRMATIVE DEFENSES

Applicant asserts the following affirmative defenses to the Opposition and the claims asserted thereunder, and Applicant specifically incorporates into these Affirmative Defenses its responses to the preceding paragraphs of the Opposition.

FIRST AFFIRMATIVE DEFENSE

The Opposition fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

The Opposition is barred by the doctrines of waiver and/or estoppel.

THIRD AFFIRMATIVE DEFENSE

The Opposition is barred by Opposer's unclean hands.

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FOURTH AFFIRMATIVE DEFENSE

The Opposition is barred by the doctrine of laches and unfair competition.

FIFTH AFFIRMATIVE DEFENSE

The Opposition fails to state any injury or damages suffered as a result of any conduct by Applicant.

SIXTH AFFIRMATIVE DEFENSE

The Opposition fails as Opposer is not entitled to any injunctive or equitable relief because it will not suffer irreparable harm and because, if Opposer had, it would have an adequate remedy at law.

SEVENTH AFFIRMATIVE DEFENSE

The Opposition fails because there is no likelihood of confusion between Applicant's PICO mark as applied to its services in Class 42 and any of the marks identified by Opposer as applied to its goods in Classes 9 and/or 16 and/or its services in Classes 35, 36, 41, 42, and/or 45 as set forth in the Opposition, in view of the cumulative differences between the parties' respective marks, the nature of their respective goods and services, the lack of any confusion to date, the lack of any possible overlap of customers, and the sophistication of the relevant purchasing public.

EIGHTH AFFIRMATIVE DEFENSE

The Opposition fails to acknowledge that multiple mark registrations exist with the United States Trademark Office which are based upon or incorporate the term "PICO" and, therefore, the Opposition to the Application is barred by the doctrine of acquiescence and/or equitable estoppel.

NINTH AFFIRMATIVE DEFENSE

In accordance with the provisions of TBMP §318 and Fed. R. Civ. P. 11, at the time of filing this Answer and Affirmative Defenses, all possible affirmative defenses may not have been alleged inasmuch as sufficient facts and relevant information has not been available after reasonable inquiry under the circumstances. Therefore, Applicant reserves the right to amend this Answer and Affirmative Defenses to allege additional affirmative defenses if subsequent

investigation and discovery so warrants.

Applicant reserves its right to move the Board for leave to file an amended responsive pleading should Applicant uncover the factual basis for additional affirmative defenses during discovery.

WHEREFORE, Applicant prays that this Opposition be dismissed with prejudice.

Respectfully Submitted,

PICO NETWORKS, INC.

Dated: April 8, 2022

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the forgoing Answer to Notice of Opposition was sent via email and first-class mail, postage prepaid on this 8th day of April, 2022 to:

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