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

Proceeding no.	91275841
Party	Defendant Cuenca, Angel G
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

FAIR ISAAC CORPORATION,

OPPOSITION NO. 91275841

Opposer,

SERIAL NO. 90616064

v.

MARK: QUANTUM FALCON

ANGEL G. CUENCA,

PUBLISHED: DECEMBER 28, 2021

Applicant.

ANSWER TO NOTICE OF OPPOSITION

Applicant Angel G. Cuenca, an individual (“Applicant”), hereby answers the Notice of Opposition (“Opposition”) filed by Fair Isaac Corporation, a Delaware corporation (“Opposer”), against Application Serial No. 90616064 (the “Application”) for QUANTUM FALCON (“Applicant’s Mark”), as set forth below. Applicant denies that Opposer is entitled to the relief requested in the Opposition. Applicant denies that Opposer will be damaged by the registration of the Application as set forth in the Opposition and requests dismissal of the Opposition with prejudice.

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 1 of the Opposition and must, therefore, deny the same.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 2 of the Opposition and must, therefore, deny the same.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 3 of the Opposition and must, therefore, deny the same.

4. In response to paragraph 4 of the Opposition, to the extent that Opposer has acquired U.S. Registration No. 3320549, Applicant states that the registration documents and its associated records speak for themselves. Applicant 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 must, therefore, deny the same.

5. In response to paragraph 5 of the Opposition, to the extent that Opposer has acquired U.S. Registration No. 3320549, Applicant states that the registration documents and its associated records speak for themselves. Applicant is otherwise without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 5 of the Opposition and must, therefore, deny the same.

6. In response to paragraph 6 of the Opposition, to the extent that Opposer has acquired U.S. Registration No. 5396813, Applicant states that the registration documents and its associated records speak for themselves. Applicant 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 must, therefore, deny the same.

7. In response to paragraph 7 of the Opposition, to the extent that Opposer has acquired U.S. Registration No. 5396813, Applicant states that the registration documents and its associated records speak for themselves. Applicant 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 must, therefore, deny the same.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 8 of the Opposition and must, therefore, deny the same.

9. Due to the active proceedings of Cancellation No. 92075016, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 9 of the Opposition and must, therefore, deny the same.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 10 of the Opposition and must, therefore, deny the same.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 11 of the Opposition and must, therefore, deny the same.

12. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 12 of the Opposition and must, therefore, deny the same.

13. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 13 of the Opposition and must, therefore, deny the same.

14. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 14 of the Opposition and must, therefore, deny the same.

15. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 15 of the Opposition and must, therefore, deny the same.

16. Applicant confirms that Applicant's Mark was filed on March 31, 2021 for "technology consultation and research in the field of cyber security, data and information security, and network security" in International Class 042.

17. Applicant confirms that Applicant's Mark was filed on the basis of use in commerce with a claimed first-use date of March 30, 2021.

18. Applicant confirms that Applicant's Mark was published for opposition on December 28, 2021.

19. Applicant confirms that Opposer filed the First 90 Day Request for Extension of Time to Oppose for Good Cause on January 26, 2022.

20. Applicant denies the allegations made in paragraph 20 of the Opposition.

21. Applicant denies the allegations made in paragraph 21 of the Opposition.

22. Applicant denies the allegations made in paragraph 22 of the Opposition.

23. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 23 of the Opposition and must, therefore, deny the same.

24. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 24 of the Opposition and must, therefore, deny the same.

25. Applicant confirms that the filing date for U.S. Registration No. 3320549 was October 14, 2005 and that the filing date for the Application was March 31, 2021; however, Applicant denies the remaining allegations contained in paragraph 25 of the Opposition.

26. Applicant confirms that the filing date for U.S. Registration No. 5396813 was July 22, 2015 and that the filing date for the Application was March 31, 2021; however, Applicant denies the remaining allegations contained in paragraph 26 of the Opposition.

27. Applicant denies the allegations made in paragraph 27 of the Opposition.

28. Applicant denies the allegations made in paragraph 28 of the Opposition.

29. Applicant denies the allegations made in paragraph 29 of the Opposition.

30. Applicant denies the allegations made in paragraph 30 of the Opposition.

31. Applicant denies the allegations made in paragraph 31 of the Opposition.

32. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in paragraph 32 of the Opposition and must, therefore, deny the same.

33. Applicant denies the allegations made in paragraph 33 of the Opposition.

34. To the extent the allegations contained in paragraph 34 of the Opposition are legal conclusions, Applicant submits that no response is required. To the extent a response is deemed required, Applicant denies the allegations.

35. Applicant denies the allegations made in paragraph 35 of the Opposition.

36. Applicant denies the allegations made in paragraph 36 of the Opposition.

37. To the extent the allegations contained in paragraph 37 of the Opposition are legal conclusions, Applicant submits that no response is required. To the extent a response is deemed required, Applicant denies the allegations.

38. Applicant denies the allegations made in paragraph 38 of the Opposition.

39. Applicant denies the allegations made in paragraph 39 of the Opposition.

40. Applicant denies the allegations made in paragraph 40 of the Opposition.

41. Applicant denies the allegations made in paragraph 41 of the Opposition.

42. Applicant denies the allegations made in paragraph 42 of the Opposition.

43. Applicant denies the allegations made in paragraph 43 of the Opposition.

44. Applicant denies the allegations made in paragraph 44 of the Opposition.

45. Applicant denies the allegations made in paragraph 45 of the Opposition.

46. Applicant denies the allegations made in paragraph 46 of the Opposition.

47. Applicant denies the allegations made in paragraph 47 of the Opposition.

AFFIRMATIVE DEFENSES

48. Opposer has failed to state a claim upon which relief can be granted.

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

50. The Opposition is without merit because there is no likelihood of confusion between Applicant's Mark as applied to its services in International Class 042 and any of the marks identified by Opposer as applied to its goods and services in International Classes 009, 042, and 045 as set forth in the Opposition.

51. The Opposition is without merit because there is no likelihood of confusion given 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.

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

53. Applicant is without sufficient information to know at the present time whether additional affirmative defenses may be applicable to this action, and therefore reserves the right to amend its Answer to the Opposition and assert any additional affirmative defenses as may be later established through discovery.

WHEREFORE, Applicant believes it will be damaged by rejection of Applicant's Application and requests that the Trademark Trial and Appeal Board dismiss the Opposition with prejudice and approve registration of Applicant's Application. Applicant requests such other further relief as the Board may deem just and Proper.

Date: June 6, 2022

Respectfully submitted,

/s/ Tyler K Berger
Tyler K Berger, Esq.

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CERTIFICATE OF SERVICE

The undersigned counsel certifies that a copy of the foregoing Applicant's Answer to Notice of Opposition was served upon the following party via electronic mail on June 6, 2022:

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