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

Proceeding no.	91276755
Party	Defendant Spartech LLC
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Roehm America LLC,

Opposer,

v.

Spartech LLC,

Applicant.

Opposition No. 91276755

Mark: ACRYLLOY

Application Serial No.: 90/874,098

ANSWER

Applicant, Spartech LLC (“Applicant”), by and through undersigned counsel, hereby answers the Notice of Opposition as follows:

1. Admitted.
2. Admitted.
3. Applicant lacks knowledge and information sufficient to form a belief about the truth of the allegations contained in Paragraph 3 and on that basis, denies them.
4. Admitted U.S. Registration No. 649,532 was registered August 6, 1957. Admitted U.S. Application Serial No. 72/007,651 claimed first use in commerce since December 15, 1955. Applicant lacks knowledge and information sufficient to form a belief about the truth of the remaining allegations contained in Paragraph 4 and on that basis, denies them.
5. Admitted U.S. Registration No. 825,930 was registered March 21, 1967. Applicant denies the allegation regarding date of first use in commerce. Applicant lacks knowledge and information sufficient to form a belief about the truth of the remaining allegations contained in Paragraph 5 and on that basis, denies them.

6. Applicant denies dates provided were the application and registration dates for U.S. Registration No. 6,739,914. Applicant admits U.S. Registration No. 6,739,914 claims the goods as “Chemical preparations for use in industry; Chemical preparations used in science; Chemical preparations for use in camera film, photography and printing; Chemical substances, chemical materials and chemical preparations, namely, acrylic molding compounds; Chemicals used in science; Chemical compositions for use in construction; Synthetic resins, unprocessed; Unprocessed plastics; Unprocessed synthetic resins; Chemical and organic compositions and substances, namely, unprocessed artificial resins as raw materials in the form of powders” in International Class 1; “Plastics for use in manufacture, in extruded form; Packing and insulating materials; Insulation materials and barrier panels for acoustical insulation; Semi-worked synthetic resins; Semi-worked plastics; decorative plastic films being semi-finished products, namely, reflective plastic films for use on windows; Semi-processed decorative plastic in the form of films; semi-finished decorative plastic film for industrial and commercial packing use; semi-processed decorative adhesive plastic film for use in commercial or industrial manufacturing” in International Class 17; and “Building and construction materials and elements, not of metal, namely, wall panels, glass panels, non-metallic cladding, casings and trim; Building and construction materials and elements, namely, non-metal casings for use in building or construction; Rigid pipes, not of metal, for building” in International Class 19.

7. Admitted. The Notice of Opposition speaks for itself.

8. Applicant lacks knowledge and information sufficient to form a belief about the truth of the allegations contained in Paragraph 8 and on that basis, denies them.

9. Applicant admits that the ACRYLLOY is used in connection with acrylic products but denies the broad classification of its products.

10. Applicant lacks knowledge and information sufficient to form a belief about the truth of the allegations contained in Paragraph 10 and on that basis, denies them.

11. Denied.

12. Denied.

AFFIRMATIVE DEFENSES

Pursuant to Fed. R. Civ. P. 8(c), and without assuming the burden of proof for any claim or element of any claim that properly lies with the Opposer, Applicant sets forth the following affirmative defenses to the Notice of Opposition:

13. Opposer's claims are barred because the Notice of Opposition fails to state a claim upon which relief may be granted.

14. Opposer's claims are barred because there is no likelihood of confusion between Applicant's mark and the purported marks identified by Opposer.

15. Opposer allows derivatives of its purported marks to be used as source identifiers for third-party products. For example, Opposer allows ACRYLIFLEX to be used as a source identifier for products of third-party Ultraflex Systems of Florida, Inc. For another example, Opposer allows ACRYPLEN to be used as a source identifier for products of third-party Mitsubishi Chemical Corporation.

16. Opposer's claims are barred by the doctrine of laches.

17. Opposer's claims are barred by the doctrine of acquiescence.

18. Opposer's claims are barred by the doctrine of estoppel.

WHEREFORE, Applicant respectfully requests that Opposer's claim be denied in its entirety and that the Opposition be dismissed with prejudice.

Date: August 23, 2022

ARMSTRONG TEASDALE LLP

/s/ Courtney Jackson

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CERTIFICATE OF SERVICE

I certify that on the day of August 23, 2022, a copy of the foregoing Answer is being served by electronic mail addressed to the correspondent of record on file with the Trademark Trial and Appeals Board for Opposer, as follows:

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