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

Proceeding no.	91278108
Party	Defendant Arsumo Corp
Correspondence address	ARSUMO CORP 2-D 100 NAAMANS RD CLAYMONT, DE 19703 UNITED STATES Primary email: sales@arsumo.com 503-516-6266
Submission	Answer
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Date	09/30/2022
Attachments	Answer to Opposition_v2_20220930.pdf(272219 bytes)

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

Yard House USA, Inc.,)	
)	
Opposer,)	Opposition No. 91278108
)	
v.)	Serial No. 90699185
)	
Arsumo Corp,)	Mark: YARD HOUSE
)	
)	
Applicant.)	
)	

ANSWER TO NOTICE OF OPPOSITION

Applicant Arsumo Corp (“Applicant”) hereby answers the notice of opposition (“Notice”) of Opposer Yard House USA, Inc. (“Opposer”) as following. All allegations not specifically admitted herein are denied.

1. Applicant denies the allegations in the first, unnumbered paragraph of the Notice.
2. Responsive to the allegations in Paragraph 2 of the Notice, Applicant is without sufficient knowledge or information to admit or deny whether Opposer is the owner of Registrations No. 2,441,608, No. 2,620,238, No. 3,425,708 (collectively, “YH Registrations”) or any other trademark registrations, and therefore denies the same.
3. The allegations in Paragraph 2 of the Notice contain legal conclusions to which no answer is required. To the extent an answer is required, Applicant denies the allegations.
4. Applicant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 3 of the Notice, and therefore, denies the same.
5. Applicant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 4 of the Notice, and therefore, denies the same.
6. Applicant is without sufficient knowledge or information to admit or deny the

allegations in Paragraph 5 of the Notice, and therefore, denies the same.

7. Applicant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 6 of the Notice, and therefore, denies the same.

8. Applicant is without sufficient knowledge or information to admit or deny the allegations in Paragraph 7 of the Notice, and therefore, denies the same.

9. The allegations in Paragraph 8 of the Notice contain legal conclusions to which no answer is required. To the extent an answer is required, Applicant denies the allegations.

10. Responsive to the allegations in Paragraph 9 of the Notice, Applicant admits that it filed Application Serial No. 90699185 seeking registration of the mark YARD HOUSE for “backpacks; carry-on bags; cosmetic bags sold empty; duffel bags; toiletry bags sold empty” in Class 18 (“Applied-For Goods”).

11. Responsive to the allegations in Paragraph 10 of the Notice, Applicant admits that it filed Application Serial No. 90699185 on May 10, 2021 based on a use basis in U.S. commerce.

12. Paragraph 11 of the Notice contains legal conclusions to which no response is required. To the extent an answer is required, Applicant denies the allegations.

13. Applicant repeats and realleges its answers in its paragraphs 1-12 above as if fully set forth herein.

14. Applicant denies the allegation in Paragraph 13 of the Notice.

15. Applicant denies the allegations in Paragraph 14 of the Notice.

16. Applicant denies the allegations in Paragraph 15 of the Notice.

17. Applicant denies the allegations in Paragraph 16 of the Notice.

18. Applicant denies the allegations in Paragraph 17 of the Notice.

19. Applicant denies the allegations in Paragraph 18 of the Notice.

AFFIRMATIVE DEFENSES

First Affirmative Defense

20. No likelihood of confusion exists between Applicant's use of its YARD HOUSE mark in connection with its Applied-For Goods and Opposer's use of its alleged YARD HOUSE Marks.

Second Affirmative Defense

21. Opposer's Notice fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the opposition.

Third Affirmative Defense

22. Opposer's claims are barred, in whole or in part, by the doctrines of estoppel, acquiescence and waiver.

Fourth Affirmative Defense

23. Opposer's claims are barred, in whole or in part, by the doctrine of laches.

Fifth Affirmative Defense

24. On information and belief, the Applied-For Goods are distinctive from the goods/services covered by YH Registrations, therefore making any confusion amongst potential consumers highly unlikely.

Sixth Affirmative Defense

25. On information and belief, Ordinary Consumers would not confuse or conclude that the parties' products share a common source or affiliation or connection.

Seventh Affirmative Defense

26. Applicant reserves the right to amend this Answer to assert any additional

affirmative defenses arising from any applicable facts or law that may be revealed during discovery.

RELIEF REQUESTED

WHEREFORE, the Applicant asks that this Opposition proceeding be dismissed forthwith.

Respectfully submitted,

ARSUMO CORP

Dated: September 30, 2022

By: /Jianghe Deng/

Jianghe Deng

Title: President

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APPLICANT IN PRO SE

CERTIFICATE OF SERVICE

I hereby certify that on September 30, 2022 a true and correct copy of the foregoing Answer to Notice of Opposition was served via email upon Opposer's counsel at the following via email:

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Dated: September 30, 2022

/Lauren Guan/
Name: Lauren Guan