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

Proceeding no.	91279174
Party	Defendant AKASA (EUROPE) LIMITED
Correspondence address	SAM YIP IDEA INTELLECTUAL LIMITED SECTION 1, CHENGDE ROAD, DATONG DISTRICT 10/F-1, NO.70-1 TAIPEI CITY, 103622 TAIWAN Primary email: trademark@ideaintellectual.com Secondary email(s): mail@ideaintellectual.com 571-335-1729
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Date	01/21/2023
Attachments	TM1364US42_Answer to Opposition.pdf(135287 bytes)

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

In the matter of: Application Serial No. 90/832,174 for the design mark “  „

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AKASA, INC.)	
)	
Opposer,)	
)	Opposition No. 91279174
v.)	
)	
AKASA (Europe) Limited)	
)	
Applicant)	

ANSWER TO NOTICE OF OPPOSITION

Applicant AKASA (Europe) Limited (“Applicant”) hereby answers the Notice of Opposition of Opposer AKASA, INC. (“Opposer”) as following. All allegations contained in the Notice of Opposition and each and every portion thereof, unless herein specifically admitted are denied. With respect to the individually numbered paragraphs of the Notice of Opposition, Applicant answers as follows:


1. Applicant admits the United States Patent and Trademark Office records reflect the particulars listed in paragraph 1.
2. Applicant has insufficient knowledge or information regarding the quote in paragraph 2 and therefore, denies the same. Opposer is put to strict proof thereof. To the extent this paragraph contains legal conclusions, including that there will be any damage to Opposer, Applicant denies these conclusions.
3. Applicant has insufficient knowledge or information regarding the quote in paragraph 3 and therefore, denies the same. Opposer is put to strict proof thereof.
4. Applicant has insufficient knowledge or information regarding the quote in paragraph 4 and therefore, denies the same. Opposer is put to strict proof thereof.
5. Applicant has insufficient knowledge or information regarding the quote in paragraph 5 and therefore, denies the same. Opposer is put to strict proof thereof.
6. Applicant has insufficient knowledge or information regarding the quote in paragraph 6 and therefore, denies the same. Opposer is put to strict proof thereof. To the extent this paragraph contains legal conclusions, Applicant denies these conclusions.

7. Applicant has insufficient knowledge or information regarding the quote in paragraph 7 and therefore, denies the same. Opposer is put to strict proof thereof. To the extent this paragraph contains legal conclusions, Applicant denies these conclusions.
8. Applicant has insufficient knowledge or information regarding the quote in paragraph 8 and therefore, denies the same. Opposer is put to strict proof thereof.
9. Applicant admits the United States Patent and Trademark Office records reflect the particulars listed in paragraph 9.
10. Applicant admits the United States Patent and Trademark Office records reflect the particulars listed in paragraph 10.
11. Applicant admits the United States Patent and Trademark Office records reflect the particulars listed in paragraph 11.
12. Paragraph 12 is denied.
13. Applicant lacks knowledge or information sufficient to form a belief as to the allegations contained in paragraph 13, and therefore, denies the same. Opposer is put to strict proof of any claim as to facts including the claimed damage. To the extent this paragraph contains legal conclusions, Applicant denies these conclusions.
14. Paragraph 14 is strictly denied.
15. Paragraph 15 is strictly denied

ADDITIONAL DEFENSES

Applicant asserts the following additional defenses. In so doing, Applicant does not concede that it has the burden of production of proof as to any additional defense asserted below. Furthermore, Applicant does not presently know all the facts sufficient to state all additional defenses. Accordingly, Applicant reserves the right to amend this Answer should it discover facts demonstrating the existence of additional defenses.

16. The Notice of Opposition fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining opposition including Opposer's rights to a mark in the absence of any registration thereof and Opposer's failure to plead ownership and validity of the alleged common-law mark, and priority of use. Not one fact supports Opposer's claim of ownership, validity, or priority in the common-law mark invoked in the Notice of Opposition and thus, any opposition on the basis of the common-law mark must be dismissed.
17. Opposers cannot demonstrate any likelihood that the public will be confused or misled as to the source of Applicant's services.
18. Applicant's mark depicted in U.S. Trademark Application Serial No. 90/832,171 creates a different overall commercial impression from that of Opposers' trademarks such that a likelihood of confusion will not occur. This is obvious in light of the fact

that the Applicant's trademark consists of a highly distinctive device “” conjoined with the word “akasa”. A viewer of the mark will notice in particular that the device feature comprises an angular device pointing to the upper left and lower right corner on account of which the mark conveys a dynamic outlook to the viewer. By virtue of the red color of the device, the same draws the viewer's attention to it and it is thus the dominant feature of the Applicant's trademark. The mark invoked by Opposer lacks any graphical features and does not convey a distinctive impression on a viewer of the mark. It can easily be distinguished from the Applicant's trademark.

19. Opposer has no rightful claim to the Applicant's trademark and its unsubstantiated claims put forward in the Notice of Opposition appear meritless. Hence, its opposition to Applicant's trademark is not valid and a desperate attempt to harm a potential competitor's business.
20. Opposer will not be damaged and is not likely to be damaged by the registration of Applicant's applied-for mark.
21. Applicant hereby reserves the right to amend the Answer and reserves any other defenses, at law or in equity, which become applicable after the substantial completion of discovery or otherwise in the course of the opposition proceeding.

WHEREFORE, Applicant respectfully requests that Opposition No. 91279174 be refused, and Applicant's mark be allowed to proceed to registration.

Respectfully Submitted,

/s/ Sam Yip

Dated: January 21, 2023

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CERTIFICATE OF SERVICE

I hereby certify that on January 21, 2023 a true and correct copy of the foregoing was served via email upon Opposer's counsel at the following via email:

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Dated: January 21, 2023

/Sam Yip/