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

Proceeding no.	91281739
Party	Defendant Monkey Labs Inc
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Date	02/03/2023
Attachments	2023.02.03 - Monkey Labs Answer and Affirmative Defenses.pdf(152146 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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<p>THE NEW YORK TIMES COMPANY, a New York corporation, Opposer, v. MONKEY LABS, INC., a Delaware corporation, Applicant.</p>	<p>Opposition No. 91281739</p> <p>Re: WORDLE Application Serial No. 97208238 Filed January 7, 2022 Published November 8, 2022</p>
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REGISTRANT’S AMENDED ANSWER AND DEFENSES TO PETITION FOR
CANCELLATION

Applicant Monkey Labs, Inc. (“Monkey Labs” or “Applicant”) hereby answers the allegations set forth in the Notice of Opposition (the “Opposition”) filed by the New York Times Company (“New York Times” or “Opposer”), as follows:

1. Admit.
2. Applicant lacks information regarding the truthfulness of the allegations, and therefore denies them.
3. Applicant lacks information regarding the truthfulness of the allegations, and therefore denies them.
4. Applicant lacks information regarding the truthfulness of the allegations, and

therefore denies them.

5. Applicant lacks information regarding the truthfulness of the allegations, and therefore denies them.

6. Applicant lacks information regarding the truthfulness of the allegations, and therefore denies them.

7. Applicant lacks information regarding the truthfulness of the allegations, and therefore denies them.

8. Applicant lacks information regarding the truthfulness of the allegations, and therefore denies them.

9. Applicant lacks information regarding the truthfulness of the allegations, and therefore denies them.

10. Applicant lacks information regarding the truthfulness of the allegations, and therefore denies them.

11. Applicant lacks information regarding the truthfulness of the allegations, and therefore denies them.

12. Applicant lacks information regarding the truthfulness of the allegations, and therefore denies them.

13. Applicant lacks information regarding the truthfulness of the allegations, and therefore denies them.

14. The allegations in paragraph 14 contain a legal conclusion to which no response is required. To the extent that response is required, Applicant denies.

15. Applicant lacks information regarding the truthfulness of the allegations, and therefore denies them.

16. Applicant lacks information regarding the truthfulness of the allegations, and therefore denies them.

17. Admit.

18. The allegations in paragraph 18 contain legal conclusions to which no response is required. To the extent that response is required, Applicant denies.

19. The allegations in paragraph 19 contain legal conclusions to which no response is required. To the extent that response is required, Applicant denies.

20. The allegations in paragraph 20 contain legal conclusions to which no response is required. To the extent that response is required, Applicant denies.

21. The allegations in paragraph 21 contain legal conclusions to which no response is required. To the extent that response is required, Applicant denies.

22. The allegations in paragraph 22 contain legal conclusions to which no response is required. To the extent that response is required, Applicant denies.

23. The allegations in paragraph 23 contain legal conclusions to which no response is required. To the extent that response is required, Applicant denies.

24. The allegations in paragraph 24 contain legal conclusions to which no response is required. To the extent that response is required, Applicant denies.

25. The allegations in paragraph 25 contain legal conclusions to which no response is required. To the extent that response is required, Applicant denies.

26. The allegations in paragraph 26 contain legal conclusions to which no response is required. To the extent that response is required, Applicant denies.

AFFIRMATIVE DEFENSES

Without admitting the allegations set forth in the Notice of Opposition, Applicant alleges

and asserts the following defenses, affirmative or otherwise, without assuming any burden of proof that it would not otherwise have. In addition to the defenses described below and subject to its responses above, Applicant specifically reserves all rights to allege additional defenses, affirmative or otherwise, that become known through the course of discovery.

FIRST AFFIRMATIVE DEFENSE

(Absence of Likelihood of Confusion)

Applicant's goods and services are sufficiently distinct and different from Opposer's goods that there is no likelihood of confusion.

SECOND AFFIRMATIVE DEFENSE

(Registration Subject to Restrictions)

Without making any admissions as any alleged damage by Applicant's Mark to Opposer's Mark, Applicant asserts that Applicant's Mark should be entitled to registration subject to certain restrictions to its identification of goods and services.

THIRD AFFIRMATIVE DEFENSE

(Right to Raise Additional Defenses and Amend this Answer)

Opposer has not set out its claims with sufficient particularity to permit Applicant to raise all appropriate defenses. Applicant has not knowingly or intentionally waived any applicable defenses, but Applicant reserves the right to assert and to rely upon additional defenses not stated here, including such other defenses as may become available or apparent. Applicant further reserves the right to supplement as more facts or legal theories become applicable by means of subsequent disclosures, discovery, procedural issues, or modification of existing statutes and defenses.

WHEREFORE, Applicant Monkey Labs, Inc. respectfully requests the Opposition proceeding be dismissed with prejudice.

Dated: February 3, 2023

Respectfully Submitted,

By: /Chad S. Pehrson/
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*Attorneys for Applicant
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CERTIFICATE OF SERVICE

I hereby certify that on February 3, 2023, I filed the foregoing APPLICANT’S ANSWER AND AFFIRMATIVE DEFENSES TO NOTICE OF OPPOSITION via TTAB’s ESTAA electronic filing system, which effectuated service on all counsel of record.

/Chad S. Pehrson/
Chad S. Pehrson