

ESTTA Tracking number: **ESTTA1264024**

Filing date: **02/03/2023**

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

Proceeding no.	91282528
Party	Defendant 99 Cents Only Stores LLC
Correspondence address	JEFFREY L. VAN HOOSEAR KNOBBE, MARTENS, OLSON & BEAR, LLP 2040 MAIN STREET, 14TH FLOOR IRVINE, CA 92614 UNITED STATES Primary email: efiling@knobbe.com Secondary email(s): 2jvh@knobbe.com 949-760-0404
Submission	Answer
Filer's name	Jeffrey L. Van Hoosear
Filer's email	efiling@knobbe.com
Signature	/jeff van hooosar/
Date	02/03/2023
Attachments	Answer to Notice of Opposition TRULY HOME.pdf(112540 bytes)

99CENT.470M

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

PEM-AMERICA, INC.,

 Opposer,

 v.

99 CENTS ONLY STORES LLC,

 Applicant.

Opposition No. 91282528
Application No. 90/511,650

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

Applicant, 99 Cents Only Stores LLC, a California limited liability company, having a business at 4000 East Union Pacific Avenue, City of Commerce, California 90023 hereby answers the Notice of Opposition instituted in the name of Opposer Pem-America, Inc. against Applicant’s U.S. Serial Number 90/511,650 (“Application”) for the TRULY HOME trademark as set forth below

1. Answering Paragraph 1 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Notice of Opposition and therefore, on that basis, denies these allegations.

2. Answering Paragraph 2 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Notice of Opposition and therefore, on that basis, denies these allegations.

3. Answering Paragraph 3 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph

3 of the Notice of Opposition and therefore, on that basis, denies these allegations.

4. Answering Paragraph 4 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Notice of Opposition and therefore, on that basis, denies these allegations.

5. Answering Paragraph 5 of the Notice of Opposition, Applicant admits filing the Application on February 4, 2021, for registration of the mark TRULY HOME for goods in Classes 20 and 24 based on an alleged bona fide intent to use under Section 1(b) of the Trademark Act, 15 U.S.C. § 1015(b).

6. Answering Paragraph 6 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Notice of Opposition and therefore, on that basis, denies these allegations.

7. Answering Paragraph 7 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the Notice of Opposition and therefore, on that basis, denies these allegations.

8. Applicant denies the allegations contained in Paragraph 8 of the Notice of Opposition.

9. Answering Paragraph 9 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Notice of Opposition and therefore, on that basis, denies these allegations.

10. Applicant denies the allegations contained in Paragraph 10 of the Notice of Opposition.

11. Applicant denies the allegations contained in Paragraph 11 of the Notice of Opposition.

12. Applicant admits it does not have authorization or consent from Opposer as to Applicant's use or registration of Applicant's Mark, but Applicant denies that any such authorization or consent is needed by Applicant from Opposer in this matter.

13. Applicant denies the allegations contained in Paragraph 13 of the Notice of Opposition.

Unless specifically admitted herein, all allegations in the Notice of Opposition are denied. Applicant further denies that Opposer is entitled to any relief, including the relief requested in the Notice of Opposition.

There may be defenses to the claims alleged by Opposer that are currently unknown to Applicant. Therefore, Applicant reserves the right to amend its Answer to allege any defenses currently unknown to Applicant, in the event that discovery of additional information indicates that they are appropriate.

Applicant also reserves the right to file counterclaims, including but not limited to attacking the validity of Opposer's alleged registrations discussed in the Notice of Opposition, if grounds for counterclaims are learned by Applicant during the course of the Opposition.

WHEREFORE, in view of the foregoing, Applicant contends that this Opposition is groundless and baseless in fact; that Opposer cannot show it will be or is likely to be damaged by the registration of Applicant's TRULY HOME trademark; and Applicant prays that this Opposition be dismissed and that Applicant be granted registration of its TRULY HOME trademark.

Respectfully submitted,
KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: February 3, 2023

By: /JVH/
Jeffrey L. Van Hoosear
2040 Main Street
Fourteenth Floor
Irvine, CA 92614
(949) 760-0404
Attorneys for Applicant, 99 Cents Only Stores
LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **APPLICANT'S ANSWER**
TO NOTICE OF OPPOSITION has been served on Opposer's counsel via email on February 3,
2023 to:

Richard P. Jacobson
JACOBSON LAW GROUP
445 Park Avenue - 9th Floor
New York, NY 10022
Rich@JacobsonTrademark.com, suzejacobson@gmail.com

/cheryl brunet/
Cheryl Brunet, Paralegal

57047204