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

Proceeding no.	91283023
Party	Defendant Davis, LaQueda
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Date	02/24/2023
Attachments	4012-3 AnswerNoticeOpposition.pdf(19636 bytes)

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

In the Matter of Application Serial No. 97/257,698
Published in the Official Gazette on December 27, 2022

Greats Brand Inc.,	§	
	§	
Opposer,	§	
	§	
v.	§	Opposition No. 91283023
	§	
LaQueda Davis,	§	
	§	
Applicant.	§	

ANSWER TO NOTICE OF OPPOSITION

LaQueda Davis (hereinafter referred to as "Applicant"), for the Answer to the Notice of Opposition filed by Greats Brand Inc. (hereinafter referred to as "Opposer"), against the application for registration of the trademark "WHAT BREAKS THE AVERAGE BUILDS THE GREATS", U.S. Application Serial No. 97/257,698, filed on February 8, 2022, and published in the Official Gazette on December 27, 2022, pleads and avers as follows:

1. Answering the introductory paragraphs of the Notice of Opposition, as to allegations regarding Applicant and Applicant's mark, Applicant admits that it has filed an application for the mark "WHAT BREAKS THE AVERAGE BUILDS THE GREATS", U.S. App. Serial No. 97/257,698. As to allegations regarding Opposer, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of such allegations contained therein and accordingly denies the allegations.

2. Answering Paragraph 1 of the Notice of Opposition, Applicant admits the allegations contained therein.

3. Answering Paragraph 2 of the Notice of Opposition, Applicant admits the allegations contained therein.

4. Answering Paragraph 3 of the Notice of Opposition, Applicant admits the allegations contained therein.

5. Answering Paragraph 4 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations, including any allegations that Opposer is the owner of the cited trademarks, any allegations as to the use of those trademarks, and any allegations as to the current status of the cited registrations.

6. Answering Paragraph 5 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations, including any allegations that Opposer is the owner of the cited trademarks and any allegations as to the use of those trademarks.

7. Answering Paragraph 6 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations, including any allegations that Opposer is the owner of the cited trademarks and any allegations as to the use of those trademarks.

8. Answering Paragraph 7 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

9. Answering Paragraph 8 of the Notice of Opposition, Applicant specifically denies each and every allegation contained therein.

10. Answering Paragraph 9 of the Notice of Opposition, Applicant specifically denies each and every allegation contained therein.

11. Answering Paragraph 10 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

12. Answering Paragraph 11 of the Notice of Opposition, Applicant specifically denies each and every allegation contained therein.

13. Answering Paragraph 12 of the Notice of Opposition, Applicant specifically denies each and every allegation contained therein.

14. Answering Paragraph 13 of the Notice of Opposition, Applicant does not have sufficient knowledge or information as to form a belief as to the truth or accuracy of the allegations contained therein and accordingly denies the allegations.

15. Answering Paragraph 14 of the Notice of Opposition, Applicant specifically denies each and every allegation contained therein.

AFFIRMATIVE DEFENSES

1. Applicant affirmatively alleges that Opposer's Notice of Opposition fails to state a claim upon which relief can be granted.

2. Applicant affirmatively alleges that Applicant's mark and the alleged trademark registrations cited in Opposer's Notice of Opposition are different in sound, appearance, meaning

and commercial impression, and that the goods of the parties are unrelated and marketed through different channels of trade.

3. Applicant affirmatively alleges that the term "GREATS" has been used by various third parties for various goods and services and, as such, is a "weak" mark that is entitled to limited protection.

WHEREFORE, Applicant contends that this opposition is groundless and baseless in fact; that Opposer has not shown wherein it will be, or likely to be, damaged by the registration of Applicant's trademark; that Applicant's trademark is manifestly distinct from any alleged mark of the Opposer or any designation of the Opposer, and Applicant prays that this opposition will be dismissed with prejudice and that Applicant be granted registration of its trademark.

Respectfully submitted,

February 24, 2023

Date

/4012-3/

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CERTIFICATE OF SERVICE

I hereby certify that Applicant's Answer to Notice of Opposition is being sent by email on February 24, 2023, to the attorney of record for Opposer at the following address:

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