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

Proceeding no.	91283325
Party	Defendant Kudos Business Services, LLC
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Submission	Answer
Filer's name	Thomas J. Caulfield
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Date	03/16/2023
Attachments	KUDOS Answer to First Complaint - Final.pdf(94666 bytes )

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

Kudos, Inc.,  
Opposer,

v.

Kudos Business Services, LLC,  
Applicant.

Opposition No. 91283325

Ser. No. 97/262,295

Mark:

**Kudos Strategies**

**ANSWER**

The following is the Answer of Applicant Kudos Business Services, LLC (hereinafter “Applicant”), owner of U.S. Trademark Application Ser. No. 97/262,295 for the mark KUDOS STRATEGIES in International Class 35, by and through counsel, Erik M. Pelton & Associates, PLLC, to the Notice of Opposition filed on February 9, 2023, by Opposer Kudos, Inc. (hereinafter “Opposer”).

Applicant hereby responds, solely for the purpose of this proceeding, to each of the grounds set forth in the Notice of Opposition, as follows:

1. Admitted to the extent this assertion is supported by USPTO records.
2. 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 denies them.
3. 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 denies them.
4. 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 denies

them.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 5 of the Notice of Opposition and therefore denies them.

6. 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 denies them.

7. 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 denies them.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Notice of Opposition and therefore denies them.

9. 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 denies them.

10. Applicant is also without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Notice of Opposition and therefore denies them.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Notice of Opposition and therefore denies them.

12. Applicant is without knowledge or information sufficient to form a belief as to the

truth of the allegations contained in paragraph 12 of the Notice of Opposition and therefore denies them.

13. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 13 of the Notice of Opposition and therefore denies them.

14. Admitted to the extent the records, numbers, and dates indicated match the records of the USPTO.

15. Admitted to the extent the records, numbers, and dates indicated match the records of the USPTO.

16. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 16 of the Notice of Opposition and therefore denies them.

17. Admitted.

18. Admitted.

19. Admitted.

20. Admitted.

21. Admitted.

22. Admitted.

23. Admitted.

24. Admitted to the extent the records, numbers, and dates indicated match the records of the USPTO.

25. Admitted to the extent the records, numbers, and dates indicated match the records of the USPTO.

26. Admitted.
27. Paragraph 27 does not call for an admission or denial.
28. Denied.
29. Denied.
30. Denied.
31. Denied.
32. Denied.
33. Denied.
34. Denied.
35. Denied.

#### **AFFIRMATIVE DEFENSES AND AMPLIFICATIONS**

FURTHERMORE, Applicant alleges and asserts the following in support of its defense:

36. Applicant's mark and Opposer's marks differ in appearance.
37. Applicant's mark and Opposer's marks differ in spelling.
38. Applicant's mark and Opposer's marks differ in sound.
39. Applicant's mark and Opposer's marks differ in overall commercial impression.
40. Upon information and belief, Applicant's services and Opposer's goods and services travel in different channels of trade.
41. Consumers of Applicant's KUDOS STRATEGIES services are sophisticated purchasers.
42. Upon information and belief, consumers of Opposer's KUDOS services are sophisticated purchasers.
43. Upon information and belief, the word "KUDOS" is conceptually weak for a

software platform that provides personal recognition, making it likely consumers will look to other terms to distinguish between “KUDOS” marks for such services.

44. Upon information and belief, the word “KUDOS” is commercially weak for services that provide personal recognition, making it likely consumers will look to other terms to distinguish between “KUDOS” marks for such services.

45. Applicant’s KUDOS STRATEGIES mark has co-existed with Opposer’s KUDOS marks for more than eight (8) years.

46. Upon information and belief, there have been no instances of actual confusion between Opposer’s marks and Applicant’s mark.

47. Applicant’s and Opposer’s marks are not likely to cause confusion, mistake, or deception among purchasers as to the source of Applicant’s and Opposer’s respective services.

48. Opposer is not likely to be damaged by Applicant’s registration and use of KUDOS STRATEGIES.

49. Applicant reserves the right to assert any and all other affirmative defenses of which it becomes aware during the pendency of this matter.

Applicant hereby appoints Erik M. Pelton, a member of the Bars of the State of New Jersey and the District of Columbia, Thomas J. Caulfield, a member of the Bar of the State of the District of Columbia, Olivia M. Muller, a member of the Bar of the State of Colorado, Denisse F. Garcia, a member of the Bar of the State of Pennsylvania, and Chelsea N. Kaminski, a member of the Bar of the State of the District of Columbia, and, at the firm of:

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to act as attorneys in the matter of the Notice of Opposition identified above, to defend against said Notice of Opposition, to transact all business in the United States Patent and Trademark Office connected with the Notice of Opposition, to sign its name to all papers which are hereinafter to be filed in connection therewith, and to receive all communications relating to the same.

WHEREFORE, Applicant requests that the Trademark Trial and Appeal Board deny the Notice of Opposition.

Dated this 16th day of March, 2023.



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Thomas J. Caulfield  
ERIK M. PELTON & ASSOCIATES, PLLC

Attorney for Applicant

**CERTIFICATE OF SERVICE**

I hereby certify that a true and accurate copy of this ANSWER has been served on the following by delivering said copy on March 16, 2023, via email, to counsel for Opposer at the following address:

BENJAMIN ASHUROV  
KB ASH  
bashurov@kb-ash.com

*Thomas J. Caulfield*  
By: \_\_\_\_\_  
Thomas J. Caulfield, Esq.