ESTTA Tracking number: **ESTTA1278562**

Filing date: **04/14/2023**

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

| | |
|---|---|
| Proceeding no. | 91283783 |
| Party | Defendant<br>Lillian Farzan-Kashani |
| Correspondence address | KELSEY M SCHULTZ<br>1301 BROCKTON AVE #308<br>LOS ANGELES, CA 90025<br>UNITED STATES<br>Primary email: kelseymarie.schultz@gmail.com<br>No phone number provided |
| Submission | Answer |
| Filer's name | Kelsey M. Schultz |
| Filer's email | kelseymarie.schultz@gmail.com |
| Signature | /Kelsey M. Schultz/ |
| Date | 04/14/2023 |
| Attachments | Answer_04132023.pdf(171387 bytes ) |

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

| | |
|---|---|
| GROUNDED THERAPY, A PSYCHOLOGY CORPORATION<br><br>Opposer,<br><br>v.<br><br>LILLIAN FARZAN-KASHANI,<br><br>Applicant | Opposition No.: 91283783<br><br>Mark: GROUNDED THERAPY<br><br>Serial No.: 97287915 |

**APPLICANT'S ANSWER TO NOTICE OF OPPOSITION AND AFFIRMATIVE DEFENSES,**

Applicant, Lillian Farzan-Kashani, hereby responds and answers Grounded Therapy, A Psychology Corporation's Notice of Opposition against Ms. Farzan-Kashani's application for registration of the trademark GROUNDED THERAPY, Serial No. 97287915, filed February 28, 2022, and published in the Official Gazette of February 7, 2023, as follows:

**GENERAL DENIAL**

1. Applicant denies each and every allegation Opposer has set forth in its Opposition.

**AFFIRMATIVE DEFENSES**

**First Affirmative Defense**

**(Priority)**

2. Ms. Farzan-Kashani alleges on information and belief that the opposition is barred by her priority of use GROUNDED THERAPY, Serial No. 97287915.

**Second Affirmative Defense**

**(Unclean Hands)**

3. Applicant alleges on information and belief that the opposition is barred by the doctrine of unclean hands.

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**Third Affirmative Defense**

**(Laches)**

4. Applicant alleges on information and belief that as a result of Opposer's own acts and/or omissions, the opposition is barred by the doctrine of laches.

**Fourth Affirmative Defense**

**(Estoppel)**

5. Applicant alleges on information and belief that the opposition is barred by the doctrine of estoppel.

**Fifth Affirmative Defense**

**(Acquiescence)**

6. Applicant alleges on information and belief that the opposition is barred by the doctrine of acquiescence.

WHEREFORE, Applicant requests that the notice of opposition be dismissed with prejudice, together with whatever other relief the Board may deem appropriate.

Respectfully submitted,

Dated: April 14, 2023

By: */s/ Kelsey M. Schultz*
Kelsey M. Schultz, Esq.
Kelseymarie.schultz@gmail.com
Attorneys for Applicant

PROOF OF SERVICE

STATE OF CALIFORNIA, COUNTY OF LOS ANGELES

I am employed in the County of Los Angeles, State of California. I am over the age of 18 and not a party to the within action; my address is: 603 Rose Ave, Venice, CA 90291.

On April 14, 2023 I served the ENCLOSED documents described as: **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION, AFFIRMATIVE DEFENSES** on the following necessary part(ies) in this action:

**Richard B. Jefferson, Esq.**
**m.e.t.a.l. IP**
**177 E. Colorado Blvd., Suite 200**
**Pasadena, California 91105**
**Phone: 323-948-8200**
**Email: richard@metal.law**
**ATTORNEYS TO BE NOTICED**

☒ by placing ☐ the original ☒a true copy thereof enclosed in sealed envelopes addressed as follows:
❑ BY MAIL
❑ I deposited such envelope in the mail at Venice, California. The envelope was mailed with postage thereon fully prepaid.
☒BY ELECTRONIC MAIL (E-MAIL)
☒ On this date I caused the above-referenced document(s) to be transmitted to the e-mail address noted above.

EXECUTED April 14, 2023 in Venice, California.

☒ I declare under penalty of perjury under the laws of the State of California that the above is true and correct. I further declare that I am employed in the office of a member of the California Bar, at whose direction this service was made.

*/s/ Kelsey M. Schultz*
Kelsey M. Schultz