

ESTTA Tracking number: **ESTTA1291459**

Filing date: **06/15/2023**

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

Proceeding no.	91284353
Party	Defendant Compass Mining, Inc.
Correspondence address	COURTNEY JACKSON ARMSTRONG TEASDALE LLP 7700 FORSYTH BOULEVARD, SUITE 1800 ST. LOUIS, MO 63105 UNITED STATES Primary email: iptm@atllp.com 314-621-5070
Submission	Answer
Filer's name	Courtney Jackson
Filer's email	iptm@atllp.com, NSaciri@Atllp.com, RReuter@atllp.com, CJackson@atllp.com
Signature	/Courtney Jackson/
Date	06/15/2023
Attachments	Compass Mining Answer 15JUN2023.pdf(135547 bytes )

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

Compass Datacenters LLC,	)	
	)	
Opposer,	)	
	)	Opposition No. 91284353
v.	)	Serial Nos. 90/730441 and 90/730447
	)	Marks: COMPASS MINING and
	)	C COMPASS MINING
Compass Mining, Inc.,	)	
Applicant	)	

---

**ANSWER**

Applicant, Compass Mining, Inc. (“Applicant”), by and through undersigned counsel, hereby answers the Notice of Opposition as follows:

1. Applicant lacks knowledge and information sufficient to form a belief about the truth of the allegations contained in Paragraph 1 and on that basis, denies them.
2. Applicant lacks knowledge and information sufficient to form a belief about the truth of the allegations contained in Paragraph 2 and on that basis, denies them.
3. Admitted.
4. Admitted.
5. Admitted.
6. Denied.
7. Denied.
8. Admitted.
9. Admitted.
10. Denied.
11. Denied.

12. Applicant lacks knowledge and information sufficient to form a belief about the truth of the allegations contained in Paragraph 12 and on that basis, denies them.

13. Applicant lacks knowledge and information sufficient to form a belief about the truth of the allegations contained in Paragraph 13 and on that basis, denies them.

14. Admitted that Applicant has been using its COMPASS MINING and C COMPASS MINING & Compass Design since February 28, 2021.

15. Admitted that Applicant has been using its COMPASS MINING and C COMPASS MINING & Compass Design since February 28, 2021.

16. Applicant lacks knowledge and information sufficient to form a belief about the truth of the allegations contained in Paragraph 16 and on that basis, denies them.

17. Applicant lacks knowledge and information sufficient to form a belief about the truth of the allegations contained in Paragraph 17 and on that basis, denies them.

18. Admitted that Reg. No. 6214811 has a filing date of February 13, 2020. Applicant lacks knowledge and information sufficient to form a belief about the truth of the remaining allegations contained in Paragraph 18 and on that basis, denies them.

19. Admitted that Opposer's COMPASS DATACENTERS mark and Applicant's COMPASS MINING mark each begins with the word COMPASS. Applicant denies the remaining allegations contained in Paragraph 19.

20. Admitted that Opposer's COMPASS DATACENTERS & Compass Design mark has a design element above the words COMPASS DATACENTERS. Applicant denies the remaining allegations contained in Paragraph 20.

21. Admitted that Applicant’s C COMPASS MINING & Compass Design mark has a design element to the left of the word element and that the word element begins with the word COMPASS. Applicant denies the remaining allegations contained in Paragraph 21.

22. Denied.

23. Denied. Opposer stated in the Office Action Response dated July 29, 2023, that Applicant’s services are likely to be purchased by “persons tasked with constructing and/or maintaining the physical facilities at data centers”.

24. Admitted.

25. Denied.

26. Admitted.

27. Denied.

28. Admitted.

29. Admitted.

30. Denied.

31. Denied.

32. Denied.

33. Denied.

34. Applicant neither denies nor admits statement made in Paragraph 34, but it leaves to the Court’s discretion to decide.

**AFFIRMATIVE DEFENSES**

Pursuant to Fed. R. Civ. P. 8(c), and without assuming the burden of proof for any claims or element of any claim that properly lies with the Opposer, Applicant sets forth the following affirmative defenses to the Notice of Opposition:

35. Opposer's claims are barred because the Notice of Opposition fails to state a claim upon which relief may be granted.

36. Opposer's claims are barred because there is no likelihood of confusion between Applicant's mark and the purported marks identified by Opposer.

37. Opposer's claims are barred by the doctrine of laches.

38. Opposer's claims are barred by the doctrine of acquiescence.

39. Opposer's claims are barred by the doctrine of estoppel.

40. Applicant reserves the right to allege other affirmative defenses as they may become known during the course of discovery and hereby specifically reserves the right to amend its Answer to allege said affirmative defenses at such time as they become known.

**WHEREFORE**, Applicant respectfully requests that Opposer's claim be denied in its entirety and that the Opposition be dismissed with prejudice.

Date: June 15, 2023

Armstrong Teasdale LLP

By: /s/ Natasa Saciri  
Natasa Saciri  
7 Times Square, 44<sup>th</sup> Floor  
New York, NY 10036  
212.209.4400  
iptm@atllp.com

Attorney for Applicant

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **ANSWER** has been served on Keith Barritt, Attorney for Opposer, by forwarding said copy on June 15, 2023, via email to: [tmdoctc@fr.com](mailto:tmdoctc@fr.com)

Date: June 15, 2023

Armstrong Teasdale LLP

By: /s/ Natasa Saciri  
Natasa Saciri  
7 Times Square, 44<sup>th</sup> Floor  
New York, NY 10036  
212.209.4400  
[iptm@atllp.com](mailto:iptm@atllp.com)  
  
Attorney for Applicant