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

Proceeding no.	91284785
Party	Defendant Vogue Group Inc.
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Date	05/15/2023
Attachments	FWD Answer 51523.pdf(92134 bytes )

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

In the Matter of U.S. Application Serial No. 88/301936  
For the mark: FWD

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FWRD, LLC	:	
	:	Cancellation No. 91284785
Opposer,	:	
	:	
v.	:	<b>ANSWER &amp;</b>
	:	<b>AFFIRMATIVE DEFENSES</b>
	:	
Vogue Group Inc.	:	
	:	
Applicant.	:	
-----	X	

**ANSWER**

Applicant, Vogue Group Inc. (“Applicant”), by and through its undersigned counsel, hereby Answers the Petition of Opposition brought by FWRD, LLC (“Petitioner”) to the application for its trademark FWD, subject of Trademark Application Serial No. 88/301936, as follows:

**AS TO THE PETITION OF OPPOSITION**

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments raised in paragraph 1 of the Petition of Opposition and, therefore, denies the same.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments raised in paragraph 2 of the Petition of Opposition and, therefore, denies the same.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments raised in paragraph 3 of the Petition of Opposition and, therefore, denies the same.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the averments raised in paragraph 4 of the Petition of Opposition and, therefore, denies the same.
5. Denied.
6. Denied.
7. Paragraph 7 of the Petition of Opposition presents a legal conclusion to which a response is not appropriate or necessary.
8. Denied.
9. Denied.
10. Denied.

#### **AFFIRMATIVE DEFENSES**

For its Affirmative Defenses, Applicant asserts as follows:

1. Petitioner has failed to state a claim upon which relief can be granted.
2. Applicant's mark has priority over Petitioner's mark based on first use in U.S. commerce.

3. Petitioner lacks standing, and Petitioner's claims are barred, in whole or in part, because Petitioner has not and will not suffer any injury or damage from Applicant's use or Registration of the mark.
4. Applicant has been using the mark that is subject of the Registration and developed consumer recognition and goodwill, such use being open, notorious and known to Petitioner. During this time, Petitioner failed to take meaningful action to assert the claims on which it bases this cancellation, on which inaction, Applicant has relied on to its detriment. Petitioner's claims are consequently barred by the doctrines of laches, acquiescence and estoppel.
5. Applicant's mark has acquired distinctiveness.
6. Applicant's mark is not generic.
7. Applicant's mark functions as a trademark.
8. Applicant's mark is eligible for trademark registration.
9. Applicant alleges that Petitioner is neither the first nor exclusive user of the terms "FWRD" or "FWD" in connection with goods/services.
10. Applicant is informed and believes, and thereon alleges that Petitioner's claims are barred, in whole or in part, by the doctrine of unclean hands.
11. Applicant reserves the right to add additional affirmative defenses as they become known through discovery.

WHEREFORE, Vogue Group Inc. prays that the Petition of Opposition be denied; and Applicant's Mark be allowed to be registered and maintained on the Principal Register.

Dated: May 15, 2023

Nyack, New York

Respectfully submitted,  
Rothschild & Associates LLC

*/s/Bradley S. Rothschild/*

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*Attorneys for Applicant*

*Vogue Group Inc.*

**CERTIFICATE OF SERVICE**

It is hereby certified that a true and correct copy of the foregoing Answer & Affirmative Defenses is being filed electronically with the UNITED STATES PATENT AND TRADEMARK OFFICE and has been transmitted to counsel for Petitioner at their address of record by Email on this date.

Dated: May 15, 2023

*/s/ Bradley S. Rothschild /*

BRADLEY S. ROTHSCHILD, ESQ.

ROTHSCHILD & ASSOCIATES LLC

Attorneys for Applicant Vogue Group Inc.