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Filing date: **07/18/2023**

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

Proceeding no.	91285714
Party	Defendant Paragon Implant LLC
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Submission	Answer
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Signature	/Patrick Bright/
Date	07/18/2023
Attachments	7182023PFBSmarter.pdf(1208192 bytes)

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

In re Application Serial No. 97/438,358
Implant Direct Sybron International
LLC,

Opposer,
v.
Paragon Implant, LLC,
Applicant.

Opposition No. 91285714

Applicant's Answer

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Answering the notice of opposition filed by Opposer Implant Direct Sybron International LLC (IDSI) on June 26, 2023, Applicant Paragon Implant LLC (PI), states as follows:

1. Responding to the allegations in paragraph 1 of the Notice of Opposition (the "Notice"): Admitted.
2. Responding to the allegations in paragraph 2 of the Notice: Admitted.
3. Responding to the allegations in paragraph 3 of the Notice: Admitted.
4. Responding to the allegations in paragraph 4 of the Notice: Denied.
5. Responding to the allegations in paragraph 5 of the Notice: Applicant can neither admit nor deny, and, therefore, denies the allegations in paragraph 5.
6. Responding to the allegations in paragraph 6 of the Notice: Denied.

7. Responding to the allegations in paragraph 7 of the Notice: Applicant can neither admit nor deny, and, therefore, denies the allegations in paragraph 7.
8. Responding to the allegations in paragraph 8 of the Notice: Applicant can neither admit nor deny, and, therefore, denies the allegations in paragraph 8.
9. Responding to the allegations in paragraph 9 of the Notice: Applicant can neither admit nor deny, and, therefore, denies the allegations in paragraph 9.
10. Responding to the allegations in paragraph 10 of the Notice: Denied.
11. Responding to the allegations in paragraph 11 of the Notice: Denied.
12. Responding to the allegations in paragraph 12 of the Notice: Denied.
13. Responding to the allegations in paragraph 13 of the Notice: Denied.

AFFIRMATIVE DEFENSES

Applicant seeks denial of any relief to Opposer on each of the following grounds: Abandonment of Opposer's alleged common law trademark assertions; waiver of those assertions; estoppel to assert those assertions; laches in making those assertions; unclean hands in making those assertions; and non-existence of any such common law trademark rights.

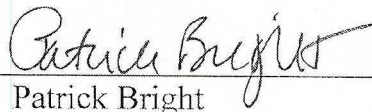
COUNTERCLAIM

Applicant opposes Opposer's application (the "bogus application"), Serial Number 98/058,986 filed 6/26/2023, to register the words SIMPLY SMARTER. Opposer filed this application knowing that Applicant has exclusive right to these word as Applicant's trademark.

PRAYER

Applicant prays for dismissal with prejudice of the Opposition, rejection of the bogus application, and an award of Applicant's costs and attorney's fees incurred in this Opposition.

Dated: July 18, 2023



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Attorneys for Paragon Implant, LLC.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Applicant's Answer has been served on Wood, Herron & Evans LLP by forwarding said copy on July 18, 2023, via email to: P. Andrew Blatt at dblatt@whe-law.com.

Signature /s/Patrick Bright

Date: July 17, 2023

SUBMIT ALL FILINGS ONLINE VIA ESTTA