

ESTTA Tracking number: **ESTTA1312373**Filing date: **09/26/2023**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	91285714
Party	Defendant Paragon Implant LLC
Correspondence address	PATRICK BRIGHT WAGNER, ANDERSON & BRIGHT PC 10524 W. PICO BOULEVARD SUITE 214 LOS ANGELES, CA 90064 UNITED STATES Primary email: pbright@brightpatentlaw.com Secondary email(s): pbright@patentattorney.us 213-700-6637
Submission	Answer
Filer's name	Patrick Bright
Filer's email	pbright@brightpatentlaw.com, pbright@patentattorney.us
Signature	s/Patrick Bright/
Date	09/26/2023
Attachments	9262023PFB2.pdf(1226128 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 AMENDED NOTICE OF OPPOSITION

Answering the amended notice of opposition filed by Opposer
Implant Direct Sybron International LLC (IDSI) on August 29, 2023,
Applicant Paragon Implant LLC (PI), states as follows:

1. Responding to the allegations in paragraph 1 of the Amended 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 Amended Opposition, rejection of the bogus application, and an award of Applicant's costs and attorney's fees incurred in this Opposition.

Dated: September 26, 2023



Patrick Bright
pbright@patentattorney.us
Wagner, Anderson & Bright PC
10524 West Pico Boulevard #214
Los Angeles, CA 90064
Phone: 213-700-6637
Email: pbright@patentattorney.us

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 September 26, 2023, via email to: P. Andrew Blatt at dblatt@whe-law.com.

Signature /s/Patrick Bright

Date: September 26, 2023

SUBMIT ALL FILINGS ONLINE VIA ESTTA