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

Proceeding no.	91287334
Party	Defendant NIO CO.,LTD.
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Date	10/11/2023
Attachments	2023-10-11-ONVO ANSWER TO OPPOSITION.pdf(96389 bytes )

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

In the Matter of Application Serial No. 97/354301  
For the mark: ONVO  
Published: September 26, 2023

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Liberty Truck Center, Inc.	:	
	:	Opposition No. 91287334
Opposer,	:	
	:	
v.	:	
	:	
Nio Co., Ltd.	:	
	:	
Applicant.	:	

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**ANSWER TO NOTICE OF OPPOSITION**

Applicant, Nio Co., Ltd. (“Applicant”), a limited company from China, through counsel, by way of its Answer to the Notice of Opposition filed in this matter by Liberty Truck Center, Inc. (“Opposer”), hereby states as follows:

**Preamble**

Applicant denies the allegation of the preamble to the Notice of Opposition that Opposer will be damaged by the registration of Applicant’s mark.

1. Applicant does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Notice of Opposition, and therefore denies the allegations, demanding strict proof thereof.
2. The records of the U.S. Patent and Trademark Office speak for themselves, and no response is required. To the extent that a response is required, Applicant does not have

knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Notice of Opposition, and therefore denies the allegations, demanding strict proof thereof.

3. The records of the U.S. Patent and Trademark Office speak for themselves, and no response is required. To the extent that a response is required, Applicant does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 3 of the Notice of Opposition, and therefore denies the allegations, demanding strict proof thereof.
4. The records of the U.S. Patent and Trademark Office speak for themselves, and no response is required. To the extent that a response is required, Applicant does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Notice of Opposition, and therefore denies the allegations, demanding strict proof thereof.
5. Applicant does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 5 of the Notice of Opposition, and therefore denies the allegations, demanding strict proof thereof.
6. Applicant admits the allegations of Paragraph 6 of the Notice of Opposition.
7. Applicant admits the allegations of Paragraph 7 of the Notice of Opposition stating that opposer owns valid federal statutory rights. As to common law rights, Applicant does not have knowledge or information sufficient to form a belief as to the truth of the allegations, therefore denies the allegations, demanding strict proof thereof.
8. Applicant does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Notice of Opposition, and therefore denies the allegations, demanding strict proof thereof.

9. Applicant does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Notice of Opposition, and therefore denies the allegations, demanding strict proof thereof.
10. Applicant does not have knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of the Notice of Opposition, and therefore denies the allegations, demanding strict proof thereof.
11. Applicant admits the allegations of Paragraph 11 of the Notice of Opposition.
12. Applicant admits the allegations of Paragraph 12 of the Notice of Opposition.
13. Applicant denies the allegations of Paragraph 13 of the Notice of Opposition that Applicant's priority date is April 8, 2022. Applicant's priority date is October 22, 2021.
14. Applicant admits the allegations of Paragraph 14 of the Notice of Opposition.
15. Applicant admits the allegations of Paragraph 15 of the Notice of Opposition.
16. Applicant denies the allegations of Paragraph 16 of the Notice of Opposition.
17. Applicant denies the allegations of Paragraph 17 of the Notice of Opposition alleging that Applicant's automotive services [sic] covered by the Applicant's Application Serial No. 97/354301 are similar to Opposer's goods and services. The current application does not cover automotive services.
18. Applicant admits the allegations of Paragraph 18 of the Notice of Opposition.
19. Applicant admits the allegations of Paragraph 19 of the Notice of Opposition.
20. Applicant denies the allegations of Paragraph 20 of the Notice of Opposition.
21. Applicant denies the allegations of Paragraph 21 of the Notice of Opposition.

**AFFIRMATIVE DEFENSES**

As and for separate affirmative defenses, Applicant alleges the defenses set forth below.

Applicant reserves the right to amend these, raise additional affirmative defenses, or file counterclaims based on information obtained in and through discovery.

1. Opposer is not entitled to any of the requested relief because use of Applicant's mark will not be likely, when used in connection with the services of the Applicant, to cause confusion, or mistake or to deceive consumers as to the affiliation, connection, or association of Applicant with Opposer, or as to the origin, sponsorship, or approval of Applicant's services by Opposer.

2. Opposer is acting in bad faith opposing Applicant's mark that covers completely unrelated services that travel in unrelated channel of trades. Opposer has no relation with services such as metal casting, textile, burning pottery, water treatment, medicinal materials processing, woodworking, freezing of bacteria, viruses, and any of the other services listed in the subject application.

Respectfully submitted,

*/s/ Roman Campos*

Roman Campos  
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Attorneys for Applicant

Dated: October 11, 2023

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**CERTIFICATE OF SERVICE**

I hereby certify that on this 11th day of October 2023, a true and correct copy of the foregoing was served by electronic mail to the following: elanquist@bakerdonelson.com; shill@bakerdonelson.com; sdouglass@bakerdonelson.com; trademarks@bakerdonelson.com

*/s/ Roman Campos*

Roman Campos