

ESTTA Tracking number: **ESTTA1362058**

Filing date: **05/30/2024**

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

Proceeding no.	91288388
Party	Defendant Eli Electric Vehicles Co., Ltd.
Correspondence address	DAVID I. GREENBAUM RIMON PC 420 W MAIN STREET, SUITE 101B BOISE, ID 83702 UNITED STATES Primary email: tmddocketing@rimonlaw.com Secondary email(s): david.greenbaum@rimonlaw.com , samantha.gimblin@rimonlaw.com 646-779-0787
Submission	Answer
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Signature	/dig/
Date	05/30/2024
Attachments	Answer - ELI ZERO.pdf(90541 bytes)

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

ELI ELECTRIC VEHICLES CO., LTD.,)	Opposition No.	91288388
)		
Opposer,)	Serial No.	87/649,801
)		
v.)	Mark:	ELI ZERO
)		
ZERO MOTORCYCLES, INC.,)		
)		
Applicant.)		

ANSWER TO NOTICE OF OPPOSITION

Through the undersigned counsel, Zero Motorcycles, Inc. (“Applicant”) answers the Notice of Opposition against Application No. 87/649,801 filed by Eli Electric Vehicles Co., Ltd. (“Opposer”) as follows. The paragraphs of this Answer to Notice of Opposition (“Answer”) are numbered to correspond with the numbered paragraphs of the Notice of Opposition.

To the extent not explicitly admitted, all allegations in the Notice of Opposition are denied. The first paragraph of the Notice of Opposition is an introductory paragraph to which no responsive pleading is required. To the extent a response is deemed necessary, Applicant denies the allegations contained therein.

1. Applicant’s U.S. Trademark Application 87/649,801 speaks for itself and no response is necessary.
2. Applicant is without knowledge or information sufficient to affirm or deny the allegations contained in Paragraph 2 of the Notice of Opposition and therefore denies same.
3. To the extent that the records cited by Opposer reflect valid and subsisting registrations on the Principal Register, Applicant admits the facts contained in Paragraph 3 of

the Notice of Opposition; Applicant is without knowledge or information sufficient to affirm or deny the remaining allegations contained in Paragraph 4 of the Notice of Opposition and therefore denies same.

4. Opposer's Paragraph No. 4 represents determinations of facts and/or conclusions of law to which no answer is required. To the extent that an answer is required, Applicant is without knowledge sufficient to form a belief as to the allegations and therefore denies the same and leaves Opposer to its proofs with respect thereto.

5. Opposer's Paragraph No. 5 represents determinations of facts and/or conclusions of law to which no answer is required. To the extent that an answer is required, Applicant is without knowledge sufficient to form a belief as to the allegations and therefore denies the same and leaves Opposer to its proofs with respect thereto

6. Applicant is without knowledge or information sufficient to affirm or deny the allegations contained in Paragraph 6 of the Notice of Opposition and therefore denies same.

7. Denied.

8. Denied.

9. Denied.

AFFIRMATIVE DEFENSES

10. Opposer's Notice of Opposition fails to set forth facts sufficient to entitle the Opposer to the relief sought and should be dismissed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Applicant reserves the right to file a motion to dismiss.

11. Opposer is not entitled to relief because there is no likelihood of confusion, mistake or deception because Opposer's alleged marks and the Applicant's mark are not confusingly similar and the goods are unrelated.

12. Applicant reserves the right to amend its Answer to add Affirmative Defenses

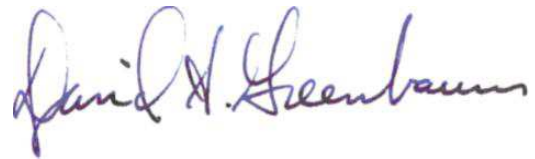
and Counterclaims that are not now known but may later become known through discovery or other means.

RELIEF REQUESTED

WHEREFORE, Applicant respectfully requests the Notice of Opposition be dismissed with prejudice.

Dated: May 30, 2024

Respectfully Submitted,



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CERTIFICATE OF SERVICE

I hereby certify that on this 30th day of May, 2024 a true and correct copy of the foregoing has been served to upon counsel for Opposer via electronic email to:

[CHRISTOPHER M. DOLAN](#)

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Dated: May 30, 2024

Respectfully Submitted,

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