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

Proceeding no.	91290149
Party	Defendant Cheng Cheng TONG
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Submission	Answer
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Signature	/fbhatti/
Date	03/18/2024
Attachments	Answer to Notice of Opposition - CREAM YOGA.pdf(134462 bytes)

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

DK Company A/S Opposer, v. Cheng Cheng Tong. Applicant.	Opposition No. 91290149 Mark: CREAM YOGA

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant Cheng Cheng Tong ("Applicant"), by and through its undersigned counsel of record, hereby files this Answer to Opposer's Notice of Opposition ("Opposition") as follows:

1. Applicant admits that it filed U.S. Trademark Application Serial No. 97/725963 for the mark CREAM YOGA, which was filed on December 20, 2022 and covers "Lounge sets being pants, shirts, sweatshirts; tops as clothing; outerwear, namely, coats, hats, gloves; clothing wraps; headwear; headband; sweat band; socks; footwear; Yoga pants; legging; sports bra; t-shirt; hoodies; pullover; sweatshirt; jogger pants; fleece jacket; vest; dresses; skirt; underwear; bra sets; pajamas; sleepwear; swimwear; knee-high stockings; shoes; sneakers; flip flops; gloves; mittens; scarves; biker short; shirts; pants; clothing jacket; coats."

2. Applicant admits that it filed U.S. Trademark Application Serial No. 97/725963 on December 20, 2022 and has claimed a date of first use anywhere and a date of first use in interstate commerce of September 21, 2021.

3. Applicant admits that U.S. Trademark Application Serial No. 97/725963 was published for opposition on November 14, 2023.

4. Applicant admits that DK Company A/S filed a 90 Day Request for Extension of Time to Oppose for Good Cause with the Trademark Trial and Appeal Board on December 11, 2023 and that the Extension was granted until March 13, 2024.

5. Paragraph 5 of the Opposition does not set forth any allegations. Therefore, Applicant does not admit or deny anything in this Paragraph.

6. Applicant lacks sufficient information or knowledge sufficient to admit or deny the allegations of Paragraph 6 of the Opposition and based upon said lack of information or knowledge, denies each and every allegation contained therein.

7. Applicant denies the allegations of Paragraph 7 of the Opposition.

8. Applicant denies the allegations of Paragraph 8 of the Opposition.

9. Applicant denies the allegations of Paragraph 9 of the Opposition.

10. Applicant denies the allegations of Paragraph 10 of the Opposition.

11. Applicant denies the allegations of Paragraph 11 of the Opposition.

12. Applicant denies the allegations of Paragraph 12 of the Opposition.

13. Applicant denies the allegations of Paragraph 13 of the Opposition.

14. Applicant denies the allegations of Paragraph 14 of the Opposition.

15. Applicant does not believe that Opposer's consent or authorization is required for Applicant's use and filing of U.S. Trademark Application Serial No. 97/725963. Therefore, Applicant admits that it did not seek Opposer's consent or authorization to use the CREAM YOGA mark or to file Application Serial No. 97/725963 as it was not required.

16. Applicant denies the allegations of Paragraph 16 of the Opposition.

AFFIRMATIVE DEFENSES

17. Opposer has failed to state a claim upon which relief can be granted.

18. Opposer has no standing to bring this action.

19. There is no likelihood of confusion, mistake or deception between Applicant's mark and the pleaded mark of Opposer as the respective parties' marks are not confusingly similar, including, but not limited to the following reasons:

(a) The marks themselves are not confusingly similar as they differ in sound/pronunciation, appearance, connotation and commercial impression;

(b) There is no evidence of threatened or actual confusion.

20. Opposer does not have exclusive rights to utilize the term CREAM (or derivations thereof) to the exclusion of all other third parties and should not be permitted to monopolize marks that are not confusingly similar to Opposer's mark.

21. Opposer has suffered no damages nor will it suffer damages in the future by Registration of Applicant's mark.

22. The claims alleged by Opposer in the Notice of Opposition are frivolous, alleged with the knowledge that there is no likelihood of confusion between the marks of the respective parties and alleged in bad faith.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed in its entirety, with prejudice, and Applicant's mark be allowed to proceed towards registration.

Dated: March 18, 2024

Respectfully Submitted.

Common Sense, Inc.

By: /fbhatti/

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANT'S ANSWER NOTICE OF OPPOSITION has been served on Opposer by forwarding said copy on March 18, 2024, via email, to the correspondence address of record for Opposer DK Company A/S at mtrudell@sheridanross.com, jschroeder@sheridanross.com, and docketing@sheridanross.com.

/fbhatti/
Farah P. Bhatti