


ESTTA Tracking number: **ESTTA1367427**
Filing date: **06/26/2024**

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

Proceeding no.	91291610
Party	Defendant FLORIEY INDUSTRIES INTERNATIONAL CO., LTD.
Correspondence address	DMITRIY O. MAKAROV IPHORGAN LTD. 195 ARLINGTON HEIGHTS RD, SUITE #125 BUFFALO GROVE, IL 60089-1768 UNITED STATES Primary email: mail@iphorgan.com Secondary email(s): dmakarov@iphorgan.com 847-808-5500
Submission	Answer
Filer's name	Christopher B. Lay
Filer's email	clay@iphorgan.com
Signature	/Christopher B. Lay/
Date	06/26/2024
Attachments	ANSWER - as filed.pdf(130747 bytes)

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

WHAM-O HOLDING, LTD.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91291610
)	Application Serial. No. 98026031
FLORIEY INDUSTRIES)	Mark: BZ (Stylized)
INTERNATIONAL CO., LTD.,)	
)	
Applicant.)	

ANSWER

Applicant Floriey Industries International Co., Ltd. (“Applicant”), by and through its attorneys IpHorgan Ltd, for its Answer to the Notice of Opposition filed by Wham-O Holding, Ltd. (“Opposer”), alleges and states as follows:

1. Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 1 of the Notice of Opposition and therefore denies each allegation.
2. Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 2 of the Notice of Opposition and therefore denies each allegation.
3. Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 3 of the Notice of Opposition and therefore denies each allegation.
4. The address of Applicant is No. 15, Alley 5, Lane 312, Sen Lin S. Rd., rather than Sen Lis Rd., as alleged in the Notice of Opposition. The remaining allegations in Paragraph 4 of the Notice of Opposition are Admitted.

5. Admitted.
6. Applicant restates Paragraphs 1-5 as if fully set forth herein.
7. Applicant denies each and every allegation contained in Paragraph 7 of the Notice of Opposition.
8. Applicant denies each and every allegation contained in Paragraph 8 of the Notice of Opposition.
9. Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 9 of the Notice of Opposition and therefore denies each allegation.
10. Applicant lacks sufficient information with which to form a belief as to the truth or falsity of the allegations contained in Paragraph 10 of the Notice of Opposition and therefore denies each allegation.
11. Applicant denies each and every allegation contained in Paragraph 11 of the Notice of Opposition.
12. Applicant denies each and every allegation contained in Paragraph 12 of the Notice of Opposition.
13. Applicant denies each and every allegation contained in Paragraph 13 of the Notice of Opposition. Applicant notes that 15 U.S.C. § 1125(c)(2)(A) concerns the definition of “famous” as it relates to a claim for trademark dilution. Opposer has failed to plead trademark dilution either in the Cover Sheet of the Notice of Opposition or in the Notice of Opposition.
14. Applicant admits that it is the owner of Serial No. 98026031 for the BZ (Stylized) Mark, which was filed on June 2, 2023, based on an intent to use. Applicant denies that the Applied-for Mark is not yet in use. Applicant lacks sufficient information with which to form a

belief as to the truth or falsity of the remaining allegations contained in Paragraph 14 of the Notice of Opposition and therefore denies each remaining allegation.

15. Applicant denies each and every allegation contained in Paragraph 15 of the Notice of Opposition.

16. Applicant admits that it the Applied-for Mark was filed in Class 28. Applicant denies the remaining allegations contained in Paragraph 16 of the Notice of Opposition.

17. Applicant denies each and every allegation contained in Paragraph 17 of the Notice of Opposition.

18. Applicant denies each and every allegation contained in Paragraph 18 of the Notice of Opposition.

19. Applicant denies each and every allegation contained in Paragraph 19 of the Notice of Opposition.

20. Applicant denies each and every allegation contained in Paragraph 20 of the Notice of Opposition. Applicant notes that Opposer has failed to plead trademark dilution either in the Cover Sheet of the Notice of Opposition or in the Notice of Opposition.

21. Applicant denies each and every allegation contained in Paragraph 21 of the Notice of Opposition.

WHEREFORE, Applicant respectfully requests that the Opposition to Application No. 98026031 for the mark BZ (Stylized) be denied and that Applicant's mark be allowed to register.

Respectfully submitted,

Date: June 26, 2024

/Christopher B. Lay/
Christopher B. Lay
Dermot J. Horgan
Michael B. Pranger Jr.
IpHorgan Ltd
195 Arlington Heights Rd.
Suite 125
Buffalo Grove, IL 60089
Telephone (847) 808-5500
Fax (847) 808-7238
Attorneys for Applicant,
Floriey Industries International Co., Ltd.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of Applicant's ANSWER was served this 26th Day of June 2024, by email on the following Attorney of Record for Opposer:

Sarah S. Brooks
Venable LLP
2049 Century Park East, Suite 2300
Los Angeles, CA 90067
Tel.: (310) 229-9900
ssbrooks@venable.com

Attorney for Opposer,
Wham-O Holding, Ltd.

By: /Christopher B. Lay/
Christopher B. Lay
IpHorgan Ltd
195 Arlington Heights Rd.
Suite 125
Buffalo Grove, IL 60089
Telephone: (847) 808-5500
Fax: (847) 808-7238
clay@iphorgan.com

Attorney for Applicant,
Floriey Industries International Co., Ltd.