

ESTTA Tracking number: **ESTTA1393647**

Filing date: **11/04/2024**

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

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|------------------------|---|
| Proceeding no. | 91291790 |
| Party | Defendant Bazar, Lane |
| Correspondence address | ADRIANO PACIFICI INTELLECTUAL PROPERTY CONSULTING, LLC 400 POYDRAS STREET SUITE 1400 NEW ORLEANS, LA 70130 UNITED STATES Primary email: apacifici@iplawconsulting.com Secondary email(s): creid@iplawconsulting.com, uspto.tms@gmail.com 504-323-6600 |
| Submission | Answer |
| Filer's name | Adriano Pacifici |
| Filer's email | apacifici@iplawconsulting.com |
| Signature | /APacifici/ |
| Date | 11/04/2024 |
| Attachments | Applicant Answer to Notice of Opposition 97876927.pdf(231855 bytes) |

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations in ¶ 2 of the Opposition, and therefore denies all allegations therein.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations in ¶ 3 of the Opposition, and therefore denies all allegations therein.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations in ¶ 4 of the Opposition, and therefore denies all allegations therein.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations in ¶ 5 of the Opposition, and therefore denies all allegations therein.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations in ¶ 6 of the Opposition, and therefore denies all allegations therein.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations in ¶ 7 of the Opposition, and therefore denies all allegations therein.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations in ¶ 8 of the Opposition, and therefore denies all allegations therein.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations in ¶ 9 of the Opposition, and therefore denies all allegations therein.

10. Applicant's application serial no. 97/876,927 speaks for itself. As such, Applicant does not believe that an answer is necessary to the allegations in ¶ 10 of the Opposition. However, out of an abundance of caution, if an answer is necessary, Applicant admits that the information contained within application serial no. 97/876,927 is accurate.

11. Applicant denies the allegations in ¶ 11 of the Opposition.

12. Applicant denies the allegations in ¶ 12 of the Opposition.

13. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations in ¶ 13 of the Opposition, and therefore denies all allegations therein.

14. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations in ¶ 14 of the Opposition, and therefore denies all allegations therein.

15. Applicant admits that it sells products on its website. Applicant denies the remaining allegations in ¶ 15 of the Opposition.

16. Applicant does not believe that an answer is necessary to ¶ 16 of the Opposition, as the allegations in ¶ 16 call for a legal conclusion. However, out of an

abundance of caution, if an answer is necessary, Applicant denies the allegations in ¶ 16 of the Opposition.

17. Applicant does not believe that an answer is necessary to ¶ 17 of the Opposition, as the allegations in ¶ 17 call for a legal conclusion. However, out of an abundance of caution, if an answer is necessary, Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations in ¶ 17 of the Opposition, and therefore denies all allegations therein.

18. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations in ¶ 18 of the Opposition, and therefore denies all allegations therein.

19. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations in ¶ 19 of the Opposition, and therefore denies all allegations therein.

20. Applicant denies the allegations in ¶ 20 of the Opposition.

21. Applicant does not believe that an answer is necessary to ¶ 21 of the Opposition, as the allegations in ¶ 21 call for a legal conclusion. However, out of an abundance of caution, if an answer is necessary, Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations in ¶ 21 of the Opposition, and therefore denies all allegations therein.

22. Applicant is without knowledge or information sufficient to form a belief as to the truth of allegations in ¶ 22 of the Opposition, and therefore denies all allegations therein.

23. Applicant denies the allegations in ¶ 23 of the Opposition.

FIRST AFFIRMATIVE DEFENSE

1. Opposer's claims are barred by the doctrines and equitable defenses of laches, waiver, acquiescence, and estoppel.

SECOND AFFIRMATIVE DEFENSE

2. Opposer's claims are barred by the doctrine of unclean hands.

THIRD AFFIRMATIVE DEFENSE

3. Opposer's claims are barred by the doctrine of trademark misuse.

FOURTH AFFIRMATIVE DEFENSE

4. The above defenses and affirmative defenses are based on the facts and information currently known to Applicant. Applicant reserves all affirmative defenses under Rule 8(c) of the Federal Rules of Civil Procedure, the Lanham Act, and any other defenses or counterclaims at law or in equity that may now exist or in the future be available based on discovery and further factual investigation in this case, and hereby reserves its right to amend this Answer to assert such defense(s).

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed with prejudice because Opposer is not entitled to any relief requested in the Opposition.

DATED: November 4, 2024

Respectfully submitted,

s/APacifici/

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CERTIFICATE OF SERVICE

I hereby certify that a true copy of this pleading has been served upon Opposer's Counsel via the email addresses of record on this 4th day of November 2024.

/s/ Adriano Pacifici

Adriano Pacifici