ESTTA Tracking number: **ESTTA1429326**
Filing date: **04/17/2025**

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

Proceeding no.	91297578
Party	Defendant Bondarenko Vadym; Nikitushkina Mariia
Correspondence address	BENJAMIN FOLKINSHTEYN WOLTZ & FOLKINSHTEYN, PC 32 WEST LANE STAMFORD, CT 06905 UNITED STATES Primary email: b4b.tmdesk@gmail.com Secondary email(s): trademarks@wfpclaw.com 203-276-0792
Submission	Answer
Filer's name	Diana Portna
Filer's email	info@brandspace.legal, 4btrademarks@gmail.com
Signature	/dportna/
Date	04/17/2025
Attachments	Answer_to_Opposition_KILNEX.pdf(74258 bytes)

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

Opposition No. 91297578

In the Matter of Application Serial No. 98014961
For the Mark: KILNEX
Filed: May 26, 2023
Published: November 12, 2024

KNIPEX-WERK C. GUSTAV PUTSCH KG,

Opposer,

v.

VADYM BONDARENKO and
MARIIA NIKITUSHKINA,

Applicants.

ANSWER TO NOTICE OF OPPOSITION

Applicants, Vadym Bondarenko and Mariia Nikitushkina ("Applicants"), by and through their undersigned counsel, hereby respond to the Notice of Opposition filed by Opposer, KNIPEX-Werk C. Gustav Putsch KG, as follows:

1. Applicants admit the allegations in Paragraphs 1-3 of the Notice of Opposition regarding the identities and addresses of the parties.

2. Applicants lack knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraphs 4-7 and therefore deny them.

3. Applicants admit the filing date and publication date of the application as stated in Paragraph 8.

4. Applicants deny the allegations in Paragraphs 9-10 to the extent they assert priority of rights in connection with the Applicants' Mark.

5. Applicants deny the allegations contained in Paragraphs 11-24 forming the basis for the claim of likelihood of confusion under Section 2(d), and respond with the following:

a. The trademarks KILNEX and KNIPEX are dissimilar in appearance, sound, and meaning.

b. The prefix "KILN" in Applicant's mark is distinctive and unrelated to the Opposer's mark.

c. The suffix "EX" is common and insufficient to support a finding of similarity.

d. Phonetically, the marks differ significantly due to differing consonant and vowel sounds, syllable emphasis, and pronunciation.

e. Conceptually, Opposer's mark suggests cutting tools (derived from "knip" meaning cut), whereas Applicant's mark is a coined term without known meaning.

f. The USPTO examining attorney did not find a likelihood of confusion during examination.

6. Applicants deny the allegations in Paragraphs 25-34 and specifically deny that Opposer's mark is famous within the meaning of Section 43(c) of the Lanham Act.

a. Applicant's mark KILNEX is not similar to Opposer's mark in a way that could cause dilution.

b. Applicant’s use of the mark on its goods in the marketplace is visually and stylistically distinct from Opposer’s branding, as demonstrated in product packaging (see Exhibit B).

c. Opposer's claims regarding fame and dilution are unsubstantiated and unsupported by evidence.

7. Applicants deny the allegations in Paragraphs 35-36 and deny that Opposer will be damaged by the registration of the KILNEX mark.

WHEREFORE, Applicants respectfully request that the Notice of Opposition be dismissed in its entirety, that judgment be entered in favor of Applicants, and that the registration of Application Serial No. 98014961 proceed for all goods and services identified therein.

Dated: April 16, 2025
Respectfully submitted,
/Diana Portna/
Diana Portna, Esq.
Attorney for Applicants
Brandspace Legal

info@brandspace.legal
+1 (347) 512-5214

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer to Notice of Opposition has been served on counsel for Opposer by email on April 16, 2025, at the following address:

Lauren Emerson
Baker & Hostetler LLP
Email: trademarks@bakerlaw.com

Date: April 16, 2025

/Diana Portna/
Diana Portna, Esq.