ESTTA Tracking number: **ESTTA1463832**
Filing date: **09/18/2025**

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

Proceeding no.	91301605
Party	Defendant ALANI TECH LLC
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Date	09/18/2025
Attachments	TTAB_Answer_91301605_Signed.pdf(5846 bytes)

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Laverana GmbH & Co. KG, Opposer
v.
Alani Tech LLC, Applicant

Opposition No. 91301605
Application Serial No. 98921214
Mark: LVS LA VERA SUISSE

ANSWER TO NOTICE OF OPPOSITION

Responses to Allegations

1. Admitted that Opposer is a company engaged in the sale of cosmetics and personal care products and has obtained certain U.S. trademark registrations.

2. Denied that Opposer's rights extend so broadly as to prevent Applicant's distinct mark. Applicant avers that its principal mark is "LVS," which reflects the phrase "LA VERA SUISSE." The mark as a whole is visually, phonetically, and conceptually distinct from "LAVERA."

3. Admitted in part, denied in part. Applicant admits it filed U.S. Trademark Application Serial No. 98921214 for LVS LA VERA SUISSE in Class 3. Applicant denies that its mark "wholly incorporates" Opposer's mark or that the space between "LA" and "VERA" is immaterial.

4. Denied. Applicant denies that its mark is confusingly similar to Opposer's marks or that consumers are likely to be confused, mistaken, or deceived.

5. Denied. Applicant denies that the goods at issue are legally identical for likelihood of confusion purposes, and denies that registration of its mark would cause confusion under the Lanham Act.

6. Denied. Applicant denies that search engine results demonstrate confusion or are probative of trademark rights.

7. Denied. Applicant denies infringement, likelihood of confusion, or violation of the Lanham Act.

To the extent not expressly admitted herein, all remaining allegations in the Notice of Opposition are denied.

Affirmative Defenses

1. Distinctive Mark and Different Commercial Impression
Applicant's mark is centered on "LVS," which is the dominant source identifier. "LVS" is an acronym that has no counterpart in Opposer's marks. The full mark LVS LA VERA SUISSE creates a distinct visual, phonetic, and conceptual impression from "LAVERA." Courts and the TTAB consistently hold that acronyms and composite marks can be sufficiently distinctive to avoid confusion (see In re Electrolyte Laboratories, Inc., 929 F.2d 645 (Fed. Cir. 1990)).

2. Weakness of "VERA" Component
The term "VERA" is a commonly used element in cosmetics and skincare (e.g., Aloe Vera). The Federal Circuit has made clear that widespread use of a shared element reduces its strength and distinctiveness (see Juice Generation, Inc. v. GS Enters. LLC, 794 F.3d 1334 (Fed. Cir. 2015)).

3. Weakness of "Google Search" as Evidence
Opposer cites Google search results for "Lavera Suisse" to suggest consumer confusion. This allegation is misplaced. Applicant's customers and business partners search for "LVS," which is Applicant's primary source identifier and brand. Consumers seeking Applicant's products are not searching for "LAVERA," and Opposer has not shown otherwise. The TTAB has repeatedly held that search engine results are not evidence of actual consumer confusion and have little probative value because they reflect algorithmic relevance, not consumer perception (see In re Bayer AG, 488 F.3d 960 (Fed. Cir. 2007); In re Star Belly Stitcher, Inc., 107 USPQ2d 2059 (TTAB 2013)).

4. DuPont Factors Favor Applicant
Under the test from In re E.I. du Pont de Nemours & Co., 476 F.2d 1357 (C.C.P.A. 1973), the first factor—the similarity of marks—does not favor Opposer. The differences in sight, sound, and overall commercial impression between LVS LA VERA SUISSE and LAVERA outweigh any superficial similarity.

5. No Evidence of Actual Confusion
Despite Opposer's long-standing use of its mark, no evidence of actual consumer confusion has been provided. TTAB precedent recognizes that absence of confusion is significant, especially when both parties operate in the marketplace (see In re Coors Brewing Co., 343 F.3d 1340 (Fed. Cir. 2003)).

6. Fair Competition and Good Faith Use
Applicant has made substantial investment (over $2 million) in building its brand in the United States. Applicant has acted in good faith and developed a brand identity that is clearly distinct, both linguistically and visually, from Opposer's mark.

7. Failure to State a Claim
Opposer has not adequately stated a claim under §2(d) of the Lanham Act, 15 U.S.C. §1052(d), sufficient to bar Applicant's registration.

Prayer for Relief

WHEREFORE, Applicant respectfully requests that:
1. The Opposition be dismissed in its entirety;
2. U.S. Trademark Application Serial No. 98921214 proceed to registration; and
3. The Board grant such other and further relief as it deems just and proper.

Respectfully submitted,

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