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

Proceeding	92072484
Party	Defendant Energy BBDO, Inc.
Correspondence Address	ENERGY BBDO INC 225 NORTH MICHIGAN AVENUE SUITE 1500 CHICAGO, IL 60611 UNITED STATES no email provided no phone number provided
Submission	Answer
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Signature	/Brooke Erdos Singer/
Date	03/17/2020
Attachments	92072484.pdf(31896 bytes)

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

In the Matter of U.S. Registration No. 2,867,198
Mark: BRANDENERGY
Registration Date: July 27, 2004

HOUSE OF BRAND GROUP PTY LTD., Petitioner, -v- ENERGY BBDO INC., Registrant.	Cancellation No. 92072484

ANSWER TO PETITION FOR CANCELLATION

Registrant, Energy BBDO Inc., by its attorneys Davis & Gilbert LLP, hereby answers the Petition for Cancellation (the "Petition") filed by House of Brand Group Pty Ltd. ("Petitioner") as follows:

In response to the unnumbered allegations in the preface of the Petition, Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegation that Petitioner is an Australia Incorporated Company having its principal place of business at Level 3, 350 Kent Street, Sydney, Australia, NSW2000; Registrant denies knowledge or information sufficient to form a belief as to the truth of the allegation that Petitioner believes it is and will continue to be damaged by the maintenance of Registration Number 2,867,198 on the Principal Register; and Registrant admits the truth of the allegation that Petitioner is petitioning to cancel Registration Number 2,867,198. Registrant denies all remaining unnumbered allegations in the preface of the Petition.

1. In response to the allegations contained in paragraph 1 of the Petition, Registrant admits that Petitioner filed application Serial No. 88643156 for BRAND ENERGY on October 4, 2019 in connection with "Printed matter; books; printed publications; brochures and guidebooks; printed matter relating to brand strategy" in Class 16; "Brand creation services; business strategy services; business consultancy services; online and in-store retail services" in Class 35; "Education and training services, education services relating to brand strategy; online publication and dissemination of information relating to brand strategy, education, training and charitable services" in Class 41; and "Online web portals; online web services; graphic and logo design services; software as a service" in Class 42, but Registrant does not have knowledge or information sufficient to form a belief as to the basis of the application or contents thereof.

2. In response to the allegations contained in paragraph 2 of the Petition, Registrant denies the allegation that Registrant is Energy BBDO, Inc., and avers that Registrant is Energy BBDO Inc.; and Registrant denies that its address is 225 North Michigan Avenue, Suite 1500, Chicago, Illinois 60611 and avers that its address is 225 North Michigan Avenue, Chicago, Illinois 60601.

3. In response to the allegations contained in paragraph 3 of the Petition, Registrant states that U.S. Registration No. 2,867,198 is a written document that speaks for itself, and Registrant denies any allegations inconsistent with such document. Registrant denies all remaining allegations in Paragraph 3 of the Petition.

4. Registrant denies the allegations contained in paragraph 4 of the Petition.

5. Registrant denies the allegations contained in paragraph 5 of the Petition.

6. Registrant denies the allegations contained in paragraph 6 of the Petition.

7. Registrant denies the allegations contained in paragraph 7 of the Petition.

In response to the unnumbered allegations contained in the WHEREFORE clause of the Petition, Registrant admits that Petitioner respectfully requests that the Board cancel U.S. Registration No. 2,867,198 on the basis that the BRANDENERGY mark has been abandoned by Registrant, but Registrant denies that there is any reason or grounds for cancellation of U.S. Registration No. 2,867,198. Registrant denies all remaining unnumbered allegations in the WHEREFORE clause of the Petition.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

The Petition fails to state a claim, in whole or in part, upon which relief may be granted.

WHEREFORE, Registrant respectfully requests that Cancellation No. 92072484 be dismissed with prejudice, that judgment be entered for Registrant, and for such other and further relief as the Board deems just and proper.

Dated: March 17, 2020
New York, New York

Respectfully submitted,

DAVIS & GILBERT LLP

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CERTIFICATE OF SERVICE

I hereby certify that, on March 17, 2020, I caused a copy of the foregoing Answer to Petition for Cancellation to be served by email on counsel for Petitioner House of Brand Group Pty Ltd.:

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Dated: New York, New York
March 17, 2020

/ Claudia G. Cohen /
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