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

Proceeding	92077533
Party	Defendant DMoose Enterprises Inc.
Correspondence Address	DMOOSE ENTERPRISES INC. 412 NORTH MAIN STREET, SUITE 100 BUFFALO, WY 82834 UNITED STATES Primary Email: uspto@trademarks411.com No phone number provided.
Submission	Answer
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Date	07/23/2021
Attachments	Answer_92077533.pdf(141450 bytes)

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

NOBULL, LLC

Petitioner

v.

Dmoose Enterprises Inc.

Registrant.

Cancellation No. 92077533

ANSWER TO PETITION FOR CANCELLATION

COMES NOW Registrant, and answering the Petition for Cancellation herein admits, denies and alleges as follows:

1. Registrant is without knowledge sufficient to form a belief as to the allegations of Petitioner's Paragraph No. 1 and therefore denies the same and leaves Petitioner to its proofs with respect thereto.

2. Registrant admits the allegations of Petitioner's Paragraph No. 2.

3. Registrant is without knowledge sufficient to form a belief as to the allegations of Petitioner's Paragraph No. 3 and therefore denies the same and leaves Petitioner to its proofs with respect thereto.

4. Registrant is without knowledge sufficient to form a belief as to the allegations of Petitioner's Paragraph No. 4 and therefore denies the same and leaves Petitioner to its proofs with respect thereto.

5. Registrant is without knowledge sufficient to form a belief as to the allegations of Petitioner's Paragraph No. 5 and therefore denies the same and leaves Petitioner to its proofs with respect thereto.

6. Registrant is without knowledge sufficient to form a belief as to the allegations of Petitioner's Paragraph No. 6 and therefore denies the same and leaves Petitioner to its proofs with respect thereto.

7. Registrant is without knowledge sufficient to form a belief as to the allegations of Petitioner's Paragraph No. 7. Furthermore, Petitioner's Paragraph No. 7 represents conclusions of law to which no answer is required. To the extent that an answer is required, Registrant is without knowledge sufficient to form a belief as to the allegations of Petitioner's Paragraph No. 7 and therefore denies the same and leaves Petitioner to its proofs with respect thereto.

8. Registrant denies the first part of the first sentence of Petitioner's Paragraph No. 8, namely, "Notwithstanding Petitioner's prior rights..." and as for remainder of Petitioner's Paragraph No. 8, Registrant is without knowledge sufficient to form a belief as to the allegations of Petitioner's Paragraph No. 8 and therefore denies the same and leaves Petitioner to its proofs with respect thereto.

9. Registrant admits the allegations of Petitioner's Paragraph No. 9.

10. Registrant is without knowledge sufficient to form a belief as to the allegations of Petitioner's Paragraph No. 10 and therefore denies the same and leaves Petitioner to its proofs with respect thereto.

11. Petitioner's Paragraph No. 11 is an incorporation by reference of the previous Paragraphs 1-10 of the Petition for Cancellation. Registrant responds to Petitioner's Paragraph No. 11 by incorporating the previous responses to Paragraphs 1-10 as set forth above.

12. Petitioner's Paragraph No. 12 represents conclusions of law to which no answer is required. To the extent that an answer is required, Registrant is without knowledge sufficient to form a belief as to the allegations of Petitioner's Paragraph No. 12 and therefore denies the same and leaves Petitioner to its proofs with respect thereto.

13. Registrant is without knowledge sufficient to form a belief as to the allegations of Petitioner's Paragraph No. 13. Furthermore, Petitioner's Paragraph No. 13 represents statements as to future events and possibilities to which no answer is required. To the extent that an answer is required, Registrant is without knowledge sufficient to form a belief as to the allegations of Petitioner's Paragraph No. 13 and therefore denies the same and leaves Petitioner to its proofs with respect thereto.

14. Petitioner's Paragraph No. 14 represents conclusions of law and statements as to future events and possibilities to which no answer is required. To the extent that an answer is required, Registrant is without knowledge sufficient to form a belief as to the allegations of Petitioner's Paragraph No. 14 and therefore denies the same and leaves Petitioner to its proofs with respect thereto.

15. All allegations of the Petition for Cancellation not specifically hereinabove admitted to are hereby expressly denied.

FURTHERMORE, Registrant sets forth the following in support of its position:

16. Registrant's mark is unique and distinctive from Petitioner's marks with Registrant's application being approved for publication by the Trademark Examining Attorney on November 10, 2020, notwithstanding Petitioner's Registration Nos. 5,258,547 and 5,337,792 and Petitioner's U.S. Trademark Application Serial No. 88/646,474, filed under an intent-to-use basis without any evidence of use in commerce to date.

17. Registrant's goods and Petitioner's goods are sufficiently dissimilar so as to obviate a likelihood of confusion.

18. Registrant's mark and Petitioner's marks are not likely to cause confusion, mistake or deception to purchasers as to the source of Petitioner's goods.

19. Registrant's mark and Petitioner's marks are not likely to disparage or falsely suggest a trade connection between Petitioner and Registrant.

20. Registrant reserves the right to, and intends to, rely upon any and all other defenses properly provable under the facts herein as or after such defenses become known to Registrant, whether or not specifically pleaded above.

WHEREFORE, having fully answered the Petition for Cancellation herein, Registrant respectfully requests that the same be dismissed in its entirety and that Registrant be adjudged entitled to register its mark under Registration No. 6,365,548.

Respectfully submitted,

Date: July 23, 2021

By: /William Scott Goldman/
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Attorney for Registrant
Dmoose Enterprises Inc.

CERTIFICATE OF SERVICE

I hereby certify that on this 23rd day of July 2021, I served a true and accurate copy of the foregoing Registrant's ANSWER TO PETITION FOR CANCELLATION by electronic mail upon:

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