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ESTTA Tracking number: **ESTTA1230471**

Filing date: **08/21/2022**

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

Proceeding no.	92079915
Party	Defendant STEPHAN STEINKELLER
Correspondence address	STEPHAN STEINKELLER CREEK RESIDENCES NORTH TOWER 3 APT 1001 DUBAI CREEK HARBOUR DUBAI, PO 75288 UNITED ARAB EMIRATES No email provided No phone number provided
Submission	Answer
Filer's name	Franco A. Serafini
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Signature	/Franco A. Serafini/
Date	08/21/2022
Attachments	Answer.pdf(100394 bytes)

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

RE:WILD. Petitioner, v. STEPHAN STEINKELLER, Registrant	Opposition no. 92079915 Registration No. 6115459 Mark: EARTH ALLIANCE FOUNDATION

ANSWER

Registrant Stephan Steinkeller answers the Petition for Cancellation filed by Petitioner Re:wild on June 9, 2022 as follows:

The preamble to the Petition does not call for an answer, except that Registrant denies the allegations set forth in the paragraph beginning with "Petitioner believes" on page 2 of the Petition.

Registrant answers the numbered paragraphs in the Petition as follows:

1. Admitted upon information and belief.

2. Registrant is without knowledge or information sufficient to form a belief as to the truth or falsity of the allegations in paragraph 2, and therefore denies them.

3. Admitted.

4. Admitted.

5. Admitted.

6. Registrant admits that the electronic records of the USPTO show that Petitioner is the present owner of applications no. 88/575,887 and 88/575,889, both for the mark EARTH

ALLIANCE + Design; that both applications have been rejected by the USPTO; and that those rejections are presently under appeal.

7. This paragraph does not call for a response.

8. Registrant denies that the page of the Dun & Bradstreet Directory enclosed to the Petition as Exhibit A states that MA.GI. Consulting S.r.l.s. operates in the "information technology field". Further, Exhibit A is mere hearsay and provides an inaccurate description of MA.GI.'s business.

9. Denied.

10. Denied.

11. Denied.

12. Registrant admits that MA.GI. has assigned the '459 Registration to Registrant Stephan Steinkeller and admits that the assignment was executed about April 11, 2022, but denies that the assignment was executed on April 11, 2022.

13. Registrant admits that Registrant is a businessman who has been involved in a variety of business endeavors. Registrant denies any limiting intent in exemplifying Registrant's business endeavors recited in paragraph 13 because Registrant is involved in other endeavors, including endeavors that benefit the planet earth.

14. Denied.

15. This paragraph recites a legal conclusion, to which no response is required.

16. This paragraph does not call for a response.

17. Admitted.

18. Registrant denies that an organization named EARTH ALLIANCE FOUNDATION ("EAF") is the owner of international trademark registration no. 1478823 and U.S. application

no. 79263702 and that that the EAF is, or ever was, the owner of the Registered Mark EARTH ALLIANCE FOUNDATION.

19. Admitted upon information and belief.

20. Denied.

21. This paragraph recites a legal conclusion, to which no response is required.

22. Denied.

AFFIRMATIVE DEFENSES

I. Count I

23. Count I is based on statements in the page of the Dun & Bradstreet Directory enclosed to the Petition as Exhibit A, which were made out of court and relied upon by Petitioner to support the allegations in Count I. Therefore, Exhibit I is mere hearsay, and, moreover, provides an inaccurate description of MA.GI.'s business.

24. Count I is further based on Petitioner's "information and belief" on the alleged lack of promotion or use of the Registered Mark in the United States based. Because the Registered Mark was registered on August 4, 2020, Registrant has no legal obligation to have begun actual use on or before the date of the Petition. Moreover, Petitioner has not defined which alleged "information" would support the allegation of lack of promotion considering that the Registered Mark has been promoted through various channels such as social media.

II. Count II

25. Count II is based on Petitioner's "information and belief" that the EAF is or was the true owner of the Registered Mark and that MA.GI. was no more than an agent for the EAF. Petitioner has not defined which alleged "information" would support the allegation of an agency relationship between MA.GI. and the EAF, which Registrant denies.

III. Unclean Hands

26. In order to prevail upon the defense of unclean hands, a party must show that the misconduct relates to the matter in controversy and was directed at the party involved. *Hershey Foods Corp. v. Cerreta*, 195 USPQ 246, 252-53 (TTAB 1977). In the instant case, this Petition is no more than an effort by Petitioner to harass Registrant and cause Petitioner unnecessary monetary expenditures in order to obtain trademark registrations that the USPTO has denied, and is carried out by setting forth allegations based on alleged information, in support of which no admissible evidence has been provided.

27. Among other things, Petitioner has set forth allegations in Count I that are based on inadmissible hearsay and on purported "information" that is contradicted by publicly available evidence.

28. Petitioner has further set forth allegations in Count II that are based on purported "information" of which no minimum evidentiary support has been provided.

WHEREFORE, Registrant prays that this petition be dismissed with prejudice.

This Board is authorized to charge any necessary fees in connection with this Answer to deposit account no. 505043.

Respectfully submitted,

Dated: August 21, 2022

/Franco A. Serafini/

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CERTIFICATE OF SERVICE

I certify that a true and complete copy of the foregoing ANSWER has been served by electronic mail on August 21, 2022 on the counsel for Petitioner, namely,

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