

ESTTA Tracking number: **ESTTA889046**

Filing date: **04/10/2018**

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

Proceeding	91239181
Party	Defendant Hawk House LLC
Correspondence Address	Jeffrey F. Gersh Stubbs Alderton & Markiles, LLP 15260 Ventura Boulevard, 20th Floor Sherman Oaks, CA 91403 Email: uspto@stubbsalderton.com
Submission	Answer
Filer's Name	James Sedivy
Filer's email	jsedivy@stubbsalderton.com
Signature	/James Sedivy/
Date	04/10/2018
Attachments	Hawk House Answer.pdf(163992 bytes )

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

In the matter of Serial Nos. 87040508 and )  
87040522 )  
)  
)  
SPACE EXPLORATION )  
TECHNOLOGIES CORP., )  
)  
Opposer, )  
V. )  
)  
HAWK HOUSE, LLC )  
)  
)  
Applicant. )

Opposition No. 91239181

**APPLICANT’S ANSWER TO CONSOLIDATED NOTICE OF OPPOSITION AND  
AFFIRMATIVE DEFENSES**

Applicant, Hawk House, LLC (“Applicant”), for its answer to the Consolidated Notice of Opposition filed by Space Exploration Technologies Corp., (“Opposer”) against application for registration of Applicant’s trademark LOOP, Serial Nos. 87040508 and 87040522 (the “Mark”), pleads and avers as follows:

1. Applicant has neither sufficient information nor belief on which to base a response and on that ground denies the allegations contained in paragraph 1 of the Consolidated Notice of Opposition.
2. Applicant has neither sufficient information nor belief on which to base a response and on that ground denies the allegations contained in paragraph 2 of the Consolidated Notice of Opposition.
3. Applicant admits the existence of Registration No. 5,176,643 and Serial No. 86/617,512. Notwithstanding, Applicant has neither sufficient information nor belief on which to base a response to the remaining allegations in paragraph 3 and on that ground denies those remaining allegations contained in paragraph 3 of the Consolidated Notice of Opposition.

4. Applicant has neither sufficient information nor belief on which to base a response and on that ground denies the allegations contained in paragraph 4 of the Consolidated Notice of Opposition.

5. Applicant has neither sufficient information nor belief on which to base a response and on that ground denies the allegations contained in paragraph 5 of the Consolidated Notice of Opposition.

6. Applicant admits the allegations contained in paragraph 6 of the Consolidated Notice of Opposition.

7. Applicant admits the allegations contained in paragraph 7 of the Consolidated Notice of Opposition.

8. Applicant denies the allegations contained in paragraph 8 of the Consolidated Notice of Opposition.

9. Applicant denies the allegations contained in paragraph 9 of the Consolidated Notice of Opposition.

10. Applicant denies the allegations contained in paragraph 10 of the Consolidated Notice of Opposition.

11. Applicant repeats its responses to paragraphs 1-10 of the Consolidated Notice of Opposition, as set forth above.

12. Applicant has neither sufficient information nor belief on which to base a response and on that ground denies the allegations contained in paragraph 12 of the Consolidated Notice of Opposition.

13. Applicant denies the allegations contained in paragraph 13 of the Consolidated Notice of Opposition.

14. Applicant denies the allegations contained in paragraph 14 of the Consolidated Notice of Opposition.

15. Applicant denies the allegations contained in paragraph 15 of the Consolidated Notice of Opposition.

16. Applicant admits the allegations contained in paragraph 16 of the Consolidated Notice of Opposition.

17. Applicant admits the allegations contained in paragraph 17 of the Consolidated Notice of Opposition.

18. Applicant denies the allegations contained in paragraph 18 of the Consolidated Notice of Opposition.

### **AFFIRMATIVE DEFENSES**

#### **First Affirmative Defense**

Opposer fails to state a claim upon which relief can be granted.

#### **Second Affirmative Defense**

There is no likelihood of confusion, mistake or deception because, inter alia, the Mark and the alleged trademark of Opposer are not confusingly similar.

#### **Third Affirmative Defense**

Opposer's alleged trademark is generic or, in the alternative, merely descriptive of the goods or services offered under the mark. Opposer's alleged trademark is therefore inherently unprotectable absent acquired distinctiveness, which the Opposer's alleged mark lacks.

#### **Fourth Affirmative Defense**

Applicant is informed and believes that Opposer has unclean hands, by virtue of improperly and/or fraudulently alleging use of Opposer's alleged mark.

WHEREFORE, Applicant prays as follows:

- (a) This opposition be dismissed;
- (b) Registrations for the mark LOOP be issued to Applicant for Serial Nos. 87040508 and 87040522; and
- (c) For such other orders and relief as may be determined by the Trademark Trials and Appeals Board.

Respectfully submitted,

Dated: April 10, 2018

STUBBS, ALDERTON & MARKILES, LLP

By

Jeffrey F. Gersh

James A. Sedivy

15260 Ventura Blvd., 20<sup>th</sup> Floor

Sherman Oaks, CA 91403

(818) 444-9200

Attorney for Applicant 678 CORPORATION

# Explore Litigation Insights

Docket Alarm provides insights to develop a more informed litigation strategy and the peace of mind of knowing you're on top of things.

## Real-Time Litigation Alerts



Keep your litigation team up-to-date with **real-time alerts** and advanced team management tools built for the enterprise, all while greatly reducing PACER spend.

Our comprehensive service means we can handle Federal, State, and Administrative courts across the country.

## Advanced Docket Research



With over 230 million records, Docket Alarm's cloud-native docket research platform finds what other services can't. Coverage includes Federal, State, plus PTAB, TTAB, ITC and NLRB decisions, all in one place.

Identify arguments that have been successful in the past with full text, pinpoint searching. Link to case law cited within any court document via Fastcase.

## Analytics At Your Fingertips



Learn what happened the last time a particular judge, opposing counsel or company faced cases similar to yours.

Advanced out-of-the-box PTAB and TTAB analytics are always at your fingertips.

## API

Docket Alarm offers a powerful API (application programming interface) to developers that want to integrate case filings into their apps.

## LAW FIRMS

Build custom dashboards for your attorneys and clients with live data direct from the court.

Automate many repetitive legal tasks like conflict checks, document management, and marketing.

## FINANCIAL INSTITUTIONS

Litigation and bankruptcy checks for companies and debtors.

## E-DISCOVERY AND LEGAL VENDORS

Sync your system to PACER to automate legal marketing.