

ESTTA Tracking number: **ESTTA306937**

Filing date: **09/18/2009**

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

Proceeding	91191418
Party	Defendant Derek Zeanah
Correspondence Address	CHARLES PEELER FLYNN PEELER & PHILLIPS, LLC PO BOX 7 ALBANY, GA 31702-0007 cpeeler@fpplaw.com
Submission	Answer
Filer's Name	Charles Peeler
Filer's e-mail	cpeeler@fpplaw.com
Signature	/Charles Peeler/
Date	09/18/2009
Attachments	ANSWER.pdf (7 pages)(27143 bytes)

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

In the matter of Application Serial No. 77/628,267

Applicant: Derek Zeanah
Mark: THE HIGH ROAD
Filed: December 8, 2008
Published in the
Official Gazette: April 14, 2009

OLEG VOLK,	:	
	:	
OPPOSER,	:	
	:	Opposition No. 91191418
	:	
v.	:	
	:	
DEREK ZEANAHA,	:	
	:	
APPLICANT.	:	

Commissioner for Trademarks
P. O. Box 1451
Alexandria, VA 22313-1451

ANSWER AND DEFENSES

NOW COMES, Derek Zeanah (“Zeanah” or “Applicant”) and hereby files this his Answer and Defenses in response to the Notice of Opposition filed by Oleg Volk (“Volk” or “Opposer”) in the above-captioned matter, respectfully showing as follow:

FIRST DEFENSE

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

SECOND DEFENSE

Opposer cannot show any likelihood of confusion.

THIRD DEFENSE

Opposer is not the owner of trademark rights in the mark THE HIGH ROAD.

FOURTH DEFENSE

Opposer's claims are barred by the doctrine of unclean hands.

FIFTH DEFENSE

As its next defense, Applicant responds as follows to the paragraphs of Opposer's Consolidated Notice of Opposition:

Applicant denies Opposer will be damaged by the registrations of U.S. Trademark Application Serial No. 77/628,267, and denies any remaining allegations in the introductory paragraph of Opposer's opposition.

-1-

Admitted.

-2-

Denied.

-3-

Denied.

-4-

Denied.

-5-

Denied.

-6-

Denied.

-7-

Denied.

-8-

Denied.

-9-

Denied.

-10-

Denied.

-11-

Denied.

-12-

Denied.

-13-

Denied.

-14-

Denied.

-15-

Denied.

-16-

Denied.

-17-

Denied.

-18-

Denied.

-19-

Denied.

-20-

Applicant admits that Opposer has obtained a copyright registration, denies the validity of such registration, and denies any remaining allegations of this paragraph.

-21-

Denied.

-22-

Denied.

-23-

Applicant admits contributions from forum participants and volunteer staff were used to purchase networking hardware and denies any remaining allegations of this paragraph.

-24-

Denied.

-25-

Denied.

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.