

ESTTA Tracking number: **ESTTA871945**

Filing date: **01/18/2018**

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

Proceeding	91237141
Party	Defendant rewardStyle, Inc.
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Date	01/18/2018
Attachments	CVSPharmacyOppositionAnswer.pdf(488348 bytes)

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

In the Matter of Service Mark Application Serial No. 87/325,455
Filed on February 6, 2017
For the mark "heart design"
Published in the *Official Gazette* on April 11, 2017

In the Matter of Service Mark Application Serial No. 87/325,459
Filed on February 6, 2017
For the mark "heart design"
Published in the *Official Gazette* on April 11, 2017

In the Matter of Service Mark Application Serial No. 87/325,469
Filed on February 6, 2017
For the mark "heart and segmented circle design"
Published in the *Official Gazette* on April 11, 2017

In the Matter of Service Mark Application Serial No. 87/325,473
Filed on February 6, 2017
For the mark "heart and segmented circle design"
Published in the *Official Gazette* on April 11, 2017

CVS Pharmacy, Inc.,)	
)	
Opposer,)	
)	
v.)	Opposition No. <u>91237141</u>
)	
rewardStyle, Inc.,)	
)	
Applicant.)	

APPLICANT'S ORIGINAL ANSWER

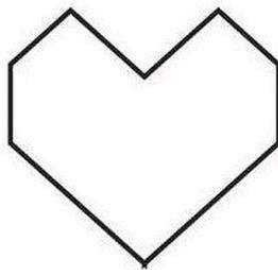
Applicant rewardStyle, Inc. ("Applicant") hereby answers the *Consolidated Notice of Opposition* (the "Notice of Opposition") of Opposer CVS Pharmacy, Inc. ("Opposer"), which concerns the marks "heart design" in Class 9 as applied for in Application Serial No. 87/325,455, "heart design" in Class 35 as applied for in Application Serial No. 87/325,459, "heart and segmented circle design" in Class 9 as applied for in Application Serial No. 87/325,469, and

"heart and segmented circle design" in Class 35 as applied for in Application Serial No. 87/325,473 (the "Applications").

**I.
ADMISSIONS AND DENIALS**

In response to the allegations in the introductory paragraph of the Notice of Opposition, Applicant admits that Opposer opposes the Applications and seeks to consolidate its opposition to the marks into one proceeding. In further response to the allegations in the introductory paragraph in the Notice of Opposition, Applicant denies that Opposer will be damaged by the issuance of a registration for the marks shown in the Applications. Applicant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in the introductory paragraph of the Notice of Opposition and, therefore, denies the same.

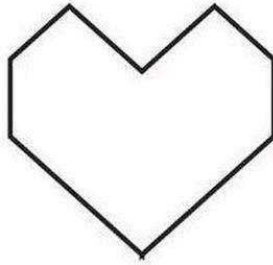
1. Applicant filed Application Serial No. 87/325,455 for "heart design"



on February 6, 2017, on the basis of an intent to use the mark for the following goods in Class 9: "downloadable mobile applications to facilitate online shopping; downloadable mobile applications for use in promoting the goods and services of others; downloadable computer software to facilitate online shopping; downloadable computer software for use in promoting the goods and services of others".

ANSWER: Applicant admits the allegations in Paragraph 1 of the Notice of Opposition.

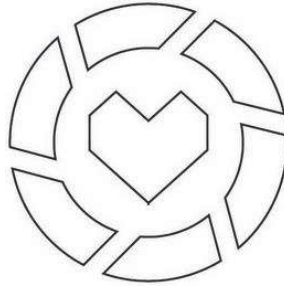
2. Applicant filed Application Serial No. 87/325,459 for "heart design"



on February 6, 2017, on the basis of an intent to use the mark for the following goods in Class 35:
"promoting the goods and services of others".

ANSWER: Applicant admits the allegations in Paragraph 2 of the Notice of Opposition.

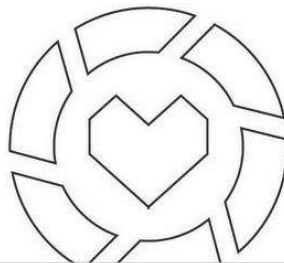
3. Applicant filed Application Serial No. 87/325,469 for "heart and segmented circle design"



on February 6, 2017, on the basis of an intent to use the mark for the following goods in Class 9:
"downloadable mobile applications to facilitate online shopping; downloadable mobile applications for use in promoting the goods and services of others; downloadable computer software to facilitate online shopping; downloadable computer software for use in promoting the goods and services of others".

ANSWER: Applicant admits the allegations in Paragraph 3 of the Notice of Opposition.

4. Applicant filed Application Serial No. 87/325,473 for "heart and segmented circle design"



on February 6, 2017, on the basis of an intent to use the mark for the following goods in Class 35: "promoting the goods and services of others". (Goods and services contained in Application Serial Nos. 87/325,455, 87/325,459, 87/325,469, and 87/325,473 are collectively referred to herein "Applicant's Goods/Services").

ANSWER: Applicant admits the allegations in Paragraph 4 of the Notice of Opposition.

5. The Opposed Applications were published for Opposition on April 11, 2017.

ANSWER: Applicant admits the allegations in Paragraph 5 of the Notice of Opposition.

6. On May 10, 2017, Opposer filed a 90 Day Request for Extension of Time to Oppose for each of the Opposed Applications.

ANSWER: Applicant admits the allegations in Paragraph 6 of the Notice of Opposition.

7. The Extension of Time to Oppose was granted for each of the Opposed Applications until August 9, 2017.

ANSWER: Applicant admits the allegations in Paragraph 7 of the Notice of Opposition.

8. On August 8, 2017, Opposer filed an additional 60 Day Request for Extension of Time to Oppose for each of the Opposed Applications, with the consent of Applicant.

ANSWER: Applicant admits the allegations in Paragraph 8 of the Notice of Opposition.

9. The Extension of Time to Oppose was granted for each of the Opposed Applications until October 8, 2017.

ANSWER: Applicant admits the allegations in Paragraph 9 of the Notice of

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