ESTTA Tracking number:

ESTTA1350296

Filing date:

04/04/2024

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

Proceeding no.	91290037
Party	Defendant Wierzgacz, Sebastian
Correspondence address	ELIAS HANTULA HANTULA & ASSOCIATES 492 WOOD RIDGE AVE WOOD RIDGE, NJ 07075 UNITED STATES Primary email: ehantula@icloud.com Secondary email(s): sebaw4@vp.pl, aclassattorney@gmail.com 646-441-0329 x1
Submission	Answer
Filer's name	Kevin Haynie
Filer's email	kevin@yourtrademarkattorney.com, morris@yourtrademarkattorney.com
Signature	/kmh355/
Date	04/04/2024
Attachments	Sebastian Wierzgacz Answer.pdf(73636 bytes)



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

<b>iFIT INC.</b> Opposer,	) )			
v.	)	Opposition No	91290037	
	)			
Sebastian Wierzgacz	)			
Applicant.	)			
	)			

# APPLICANT'S ANSWER TO OPPOSER'S NOTICE OF OPPOSITION

In answer to the Notice of Opposition filed by Opposer iFIT INC., Applicant Sebastian Wierzgacz states the following:

- 1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 1 of the Notice of Opposition and, accordingly, denies each and every allegation set forth therein.
- 2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 2 of the Notice of Opposition and, accordingly, denies each and every allegation set forth therein.
- 3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 3 of the Notice of Opposition and, accordingly, denies each and every allegation set forth therein.
- 4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 4 of the Notice of Opposition and, accordingly, denies each and every allegation set forth therein.



- 5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 5 of the Notice of Opposition and, accordingly, denies each and every allegation set forth therein.
- 6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 6 of the Notice of Opposition and, accordingly, denies each and every allegation set forth therein.
- 7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 7 of the Notice of Opposition and, accordingly, denies each and every allegation set forth therein.
- 8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 8 of the Notice of Opposition and, accordingly, denies each and every allegation set forth therein.
- 9. Applicant admits the allegations set forth in Paragraph 9 of the Notice of Opposition.
- 10. Applicant admits the allegations set forth in Paragraph 10 of the Notice of Opposition.
- 11. Applicant admits the allegations set forth in Paragraph 11 of the Notice of Opposition.
- 12. Applicant denies each and every allegation set forth in Paragraph 12 of the Notice of Opposition.
- 13. Applicant denies each and every allegation set forth in Paragraph 13 of the Notice of Opposition.



- 14. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 14 of the Notice of Opposition and, accordingly, denies each and every allegation set forth therein.
- 15. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations set forth in Paragraph 15 of the Notice of Opposition and, accordingly, denies each and every allegation set forth therein.
- 16. Applicant denies each and every allegation set forth in Paragraph 16 of the Notice of Opposition.
- 17. Applicant denies each and every allegation set forth in Paragraph 17 of the Notice of Opposition.
- 18. Applicant denies each and every allegation set forth in Paragraph 18 of the Notice of Opposition.
- 19. Applicant denies each and every allegation set forth in Paragraph 19 of the Notice of Opposition.
- 20. Applicant denies each and every allegation set forth in Paragraph 20 of the Notice of Opposition.
- 21. Applicant admits only that registration of his FITI DARE mark would provide him at least *prima facie* rights to the use of his mark. Applicant denies each and every remaining allegation set forth in Paragraph 21 of the Notice of Opposition.
- 22. Applicant denies each and every allegation set forth in Paragraph 22 of the Notice of Opposition.



### **DENIAL OF PRAYER FOR RELIEF**

Applicant denies that Opposer is entitled to any of the relief sought in its prayer for relief against Applicant.

Respectfully submitted,

SEBASTIAN WIERZGACZ

By: /kmh355/ Dated: 4/4/2024

Kevin Haynie
YourTrademarkAttorney.com
167 Lamp and Lantern Village, #220
Chesterfield, MO 63017-8208
Tel: (480) 360-3499
kevin@yourtrademarkattorney.com

#### **CERTIFICATE OF SERVICE**

I hereby certify that	a true and comp	plete copy of	the foregoing	g has been served by
emailing said copy on	4/4/2024	to:		
Matthew A. Barlow				
Attorney for Opposer				
mbarlow@wnlaw.com				
/kmh355/				
Kevin Haynie, Attorney for	Applicant			

