

ESTTA Tracking number: **ESTTA908088**

Filing date: **07/09/2018**

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

Proceeding	92068466
Party	Defendant Agilitas Partners LLP
Correspondence Address	AGILITAS PARTNERS LLP BROADWALK HOUSE, 5 APPOLD STREET LONDON, EC2A2HA UNITED KINGDOM
Submission	Other Motions/Papers
Filer's Name	Rose Auslander
Filer's email	trademarks@clm.com
Signature	/roseauslander/
Date	07/09/2018
Attachments	AGILITAS Response to TTAB Action - Civil Court papers attached.pdf(1445986 bytes)

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

In re Registration of:

Registrant: Agilintas Partners LLP
Reg. No.: 4,082,030
Mark: AGILITAS
Registration Date: January 10, 2012

AGILITAS CAPITAL, LLC :
Petitioner :
v. : Cancellation No. 92068466
AGILITAS PARTNERS LLP :
Registrant/Respondent :

Commissioner for Trademarks
Box TTAB, NO FEE
P.O. Box 1451
Alexandria, VA 22313-1451

RESPONSE TO TTAB ACTION

In response to the TTAB Action dated June 15, 2018, and in further support of Registrant's June 8, 2018 Motion To Suspend Proceedings, Registrant herewith submits copies of all pleadings filed to date in the civil action filed on June 5, 2018 in the District Court of the Southern District of New York, captioned Agilintas Partners, LLP v. Agilintas Capital, LLC and Agilintas Energy, LLC, No. 2:18-CV-03294, which will adjudicate all issues pleaded herein: (1) a filed copy of the Complaint, Civil Cover Sheet, and Proposed Summons; (2) a filed copy of the Declaration of Service of Summons and Complaint to Agilintas Capital, LLC; and (3) a filed copy of the Declaration of Service of Summons and Complaint to Agilintas Energy, LLC.

Registrant urgently requests that prior to ruling on this response and suspending this proceeding, the TTAB act with special dispatch on the pending Motion On Consent To Amend Registration To Permit Filing Of Supplemental Specimen, filed in this proceeding on July 2, 2018 requesting expedited handling in light of the July 10, 2018 deadline to file that Supplemental Specimen in the U.S. Patent & Trademark Office.

Contemporaneously with the mailing of this response, a copy of this document and attachments hereto is being served via email on counsel for Opposer Agilitas Capital, LLC (dsullivan@barclaydamon.com, kfelice@barclaydamon.com, ip@barclaydamon.com, jnardiello@barclaydamon.com).

Dated: New York, New York
July 9, 2018

Respectfully submitted,

CARTER LEDYARD & MILBURN LLP

By: /roseauslander/
Rose Auslander
John M. Griem, Jr.
2 Wall Street
New York, NY 10005
(212) 238-8601

Attorneys for Registrant Agilitas Partners LLP

Complaints and Other Initiating Documents

2:18-cv-03294 Agilitas Partners, LLP v. Agilitas Capital, LLC et al

U.S. District Court

Eastern District of New York

Notice of Electronic Filing

The following transaction was entered by Griem, John on 6/5/2018 at 5:00 PM EDT and filed on 6/5/2018

Case Name: Agilitas Partners, LLP v. Agilitas Capital, LLC et al

Case Number: 2:18-cv-03294

Filer: Agilitas Partners, LLP

Document Number: 1

Judge(s) Assigned: The Court will contact you shortly on the Judge Assignment.

Docket Text:

COMPLAINT against Agilitas Capital, LLC, Agilitas Energy, LLC filing fee \$ 400, receipt number 0207-10486578 Was the Disclosure Statement on Civil Cover Sheet completed -Yes,, filed by Agilitas Partners, LLP. (Attachments: # (1) Civil Cover Sheet, # (2) Proposed Summons as to Agilitas Capital, LLC, # (3) Proposed Summons as to Agilitas Energy, LLC) (Griem, John)

2:18-cv-03294 Notice has been electronically mailed to:

John Michael Griem griem@clm.com, jack@griem.com

2:18-cv-03294 Notice will not be electronically mailed to:

The following document(s) are associated with this transaction:

Document description:Main Document

Original filename:n/a

Electronic document Stamp:

[STAMP NYEDStamp_ID=875559751 [Date=6/5/2018] [FileNumber=12897232-0] [4bba2ed188f028b8cc1a2a30f4e9d2be2f5495e3a8762640960037e7b63739e0fac51af1b899ddc95b73e80291682deebfc48308b97584158a950ff03ad4c513]]

Document description:Civil Cover Sheet

Original filename:n/a

Electronic document Stamp:

[STAMP NYEDStamp_ID=875559751 [Date=6/5/2018] [FileNumber=12897232-1] [2f6b3799605d051568d09464b95abe65105b149b59632a896d10de53a074a363a6df7e172343e3debb95b94e74a2d97a5a47770256a96bc0599ee3eb43df274c]]

Document description:Proposed Summons as to Agilitas Capital, LLC

Original filename:n/a

Electronic document Stamp:

[STAMP NYEDStamp_ID=875559751 [Date=6/5/2018] [FileNumber=12897232-2]

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

-----X		
AGILITAS PARTNERS, LLP.	:	
	:	
Plaintiff,	:	
	:	
v.	:	Civil Action No. 18 Civ 3294
	:	
AGILITAS CAPITAL, LLC	:	
AGILITAS ENERGY, LLC	:	
	:	
Defendants.	:	
-----X		

COMPLAINT

Plaintiff, Agilitas Partners, LLP (“Agilitas” or “plaintiff”), by its undersigned attorneys, as and for its Complaint against Agilitas Capital, LLC and Agilitas Energy, LLC (“Agilitas Capital” or “defendants”) alleges:

SUBSTANCE OF THE ACTION

1. Defendants are related companies that are both using AGILITAS formative names, marks, and domain names. Plaintiff owns incontestable U.S. Registration No. 4082030 for AGILITAS, has used that mark and the name Agilitas Partners, LLP name in the United States since at least as early as 2012, and has established a reputation for excellence in its field. Defendants adopted the Agilitas Capital and Agilitas Energy identifiers long after plaintiff began using its mark and name.

2. Plaintiff has filed this action to enjoin defendants from using the AGILITAS CAPITAL and AGILITAS ENERGY marks, the Agilitas Capital, LLC and Agilitas Energy, LLC names, and the agilitascapital.com and agilitasenergy.com domain names. Plaintiff has asserted claims for trademark infringement, unfair competition and false designation of origin,

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