

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

In the Matter of Application Serial No. 86883293: BLUE IVY CARTER  
Published in the Official Gazette of January 10, 2017 in all designated classes  
(International Classes 3, 6, 9, 10, 12, 16, 18, 20, 21, 24, 26, 28, 35, and 41).

BLUE IVY,

Opposer,

v.

BGK TRADEMARK HOLDINGS, LLC,

Applicant.

Opposition No. 91234467

Serial No. 86883293

Mark: **BLUE IVY CARTER**

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**ANSWER AND AFFIRMATIVE DEFENSES OF  
BGK TRADEMARK HOLDINGS, LLC**

Applicant BGK Trademark Holdings, LLC (“BGK”), by and through its attorneys, hereby answers the notice of opposition (the “opposition”) filed by Blue Ivy (“opposer”) as follows. To the extent not explicitly admitted, all allegations in the opposition are denied.

**ANSWER**

1. BGK lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 1 and, on that basis, denies them.

2. The materials referenced in Paragraph 2 speak for themselves, and to the extent the allegations in Paragraph 2 vary therewith, BGK denies them. BGK denies any and all remaining allegations and/or legal conclusions contained in Paragraph 2.

3. BGK lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 3 and, on that basis, denies them.

4. The materials referenced in Paragraph 4 speak for themselves, and to the extent the allegations in Paragraph 4 vary therewith, BGK denies them. BGK denies any and all remaining allegations and/or legal conclusions contained in Paragraph 4.

5. The materials referenced in Paragraph 5 speak for themselves, and to the extent the allegations in Paragraph 5 vary therewith, BGK denies them. BGK denies any and all remaining allegations and/or legal conclusions contained in Paragraph 5.

6. BGK lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 6 and, on that basis, denies them.

7. BGK lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 7 and, on that basis, denies them.

8. BGK lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 8 and, on that basis, denies them.

9. BGK admits that it is a limited liability company organized under the laws of Delaware, having an address c/o GSO Business Management, LLC 15260 Ventura Blvd., Suite 2100, Sherman Oaks, California 91403.

10. BGK admits that “BGK” refers to the initials of Beyoncé Giselle Knowles-Carter (“Mrs. Carter”), a singer, songwriter and actress.

11. BGK admits that BGK is wholly owned by Mrs. Carter, and that she is its sole member. BGK denies any and all remaining allegations and/or legal conclusions contained in Paragraph 11.

12. BGK admits that Mrs. Carter is married to Shawn Corey Carter, who is known professionally as Jay-Z. BGK further admits that they are the parents and legal guardians of a minor child named Blue Ivy Carter, born in 2012.

13. The materials referenced in Paragraph 13 speak for themselves, and to the extent the allegations in Paragraph 13 vary therewith, BGK denies them. BGK denies any and all remaining allegations and/or legal conclusions contained in Paragraph 13.

14. Paragraph 14 sets forth legal conclusions and questions of law to which no response is required.

15. The materials referenced in Paragraph 15 speak for themselves, and to the extent the allegations in Paragraph 15 vary therewith, BGK denies them. BGK denies any and all remaining allegations and/or legal conclusions contained in Paragraph 15.

16. The materials referenced in Paragraph 16 speak for themselves, and to the extent the allegations in Paragraph 16 vary therewith, BGK denies them. BGK

denies any and all remaining allegations and/or legal conclusions contained in Paragraph 16.

17. The materials referenced in Paragraph 17 speak for themselves, and to the extent the allegations in Paragraph 17 vary therewith, BGK denies them. BGK denies any and all remaining allegations and/or legal conclusions contained in Paragraph 17.

18. BGK admits that on October 14, 2013 *Vanity Fair* magazine apparently published an article titled “Jay Z Has the Room” (the “*Vanity Fair* Article”). The *Vanity Fair* Article referenced in Paragraph 18 speaks for itself, and to the extent the allegations in Paragraph 18 vary therewith, BGK denies them. BGK denies any and all remaining allegations and/or legal conclusions contained in Paragraph 18.

19. The *Vanity Fair* Article referenced in Paragraph 19 speaks for itself, and to the extent the allegations in Paragraph 19 vary therewith, BGK denies them. BGK denies any and all remaining allegations and/or legal conclusions contained in Paragraph 19.

20. The *Vanity Fair* Article referenced in Paragraph 20 speaks for itself, and to the extent the allegations in Paragraph 20 vary therewith, BGK denies them. BGK denies any and all remaining allegations and/or legal conclusions contained in Paragraph 20.

21. BGK lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 21 and, on that basis, denies them.

22. BGK lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 22 and, on that basis, denies them.

23. The materials referenced in Paragraph 23 speak for themselves, and to the extent the allegations in Paragraph 23 vary therewith, BGK denies them. BGK denies any and all remaining allegations and/or legal conclusions contained in Paragraph 23.

24. BGK lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 24 relating to the *Vanity Fair* Article and, on that basis, denies them. BGK denies the remaining allegations and/or legal conclusions contained in Paragraph 24.

25. The materials referenced in Paragraph 25 speak for themselves, and to the extent the allegations in Paragraph 25 vary therewith, BGK denies them. BGK lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations, and on that basis denies any and all remaining allegations and/or legal conclusions contained in Paragraph 25.

26. Paragraph 26 sets forth legal conclusions and questions of law to which no response is necessary.

27. BGK asserts that no response is necessary to Paragraph 27, but to the extent a response is necessary, BGK denies the allegations and/or legal conclusion contained in Paragraph 27.

28. BGK denies the allegations and/or legal conclusions contained in Paragraph 28.

29. BGK lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 24 relating to Mr. Carter's state of mind and, on that basis, denies them. BGK denies the remaining allegations and/or legal conclusions contained in Paragraph 29.

30. The materials referenced in Paragraph 30 speak for themselves, and to the extent the allegations in Paragraph 30 vary therewith, BGK denies them. BGK lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations, and on that basis denies any and all remaining allegations and/or legal conclusions contained in Paragraph 30.

31. The materials referenced in Paragraph 31 speak for themselves, and to the extent the allegations in Paragraph 31 vary therewith, BGK denies them. BGK lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations, and on that basis denies any and all remaining allegations and/or legal conclusions contained in Paragraph 31.

32. BGK denies the allegations and/or legal conclusions contained in Paragraph 32.

33. BGK asserts that no response is necessary to paragraph 33, but to the extent a response is necessary, BGK denies the allegations and/or legal conclusions contained in Paragraph 33.

34. BGK lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 34 and, on that basis, denies them.

35. BGK lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 35 and, on that basis, denies them.

36. BGK lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 36 and, on that basis, denies them.

37. The materials referenced in Paragraph 37 speak for themselves, and to the extent the allegations in Paragraph 37 vary therewith, BGK denies them. BGK denies any and all remaining allegations and/or legal conclusions contained in Paragraph 37.

38. BGK denies the allegations and/or legal conclusions contained in Paragraph 38.

39. BGK denies the allegations and/or legal conclusions contained in Paragraph 39.

40. BGK lacks knowledge or information sufficient to form a belief as to the truth of the matters alleged in Paragraph 40 and, on that basis, denies them.

41. BGK denies the allegations and/or legal conclusions contained in Paragraph 41.

42. BGK denies the allegations and/or legal conclusions contained in Paragraph 42.

43. BGK denies the allegations and/or legal conclusions contained in Paragraph 43.

44. BGK asserts that no response is necessary to paragraph 44, but to the extent a response is necessary, BGK denies the allegations and/or legal conclusions contained in Paragraph 44.

45. BGK denies the allegations and/or legal conclusions contained in Paragraph 45.

46. The materials referenced in Paragraph 46 speak for themselves, and to the extent the allegations in Paragraph 46 vary therewith, BGK denies them. BGK denies any and all remaining allegations and/or legal conclusions contained in Paragraph 46.

47. The materials referenced in Paragraph 47 speak for themselves, and to the extent the allegations in Paragraph 47 vary therewith, BGK denies them. BGK

denies any and all remaining allegations and/or legal conclusions contained in Paragraph 47.

48. BGK denies the allegations and/or legal conclusions contained in Paragraph 48.

49. The materials referenced in Paragraph 49 speak for themselves, and to the extent the allegations in Paragraph 49 vary therewith, BGK denies them. BGK denies any and all remaining allegations and/or legal conclusions contained in Paragraph 49.

50. BGK denies the allegations and/or legal conclusions contained in Paragraph 50.

### **AFFIRMATIVE DEFENSES**

BGK undertakes the burden of proof only as to those defenses deemed affirmative defenses by law, regardless of how such defenses are denominated below. BGK expressly reserves the right to plead additional affirmative and other defenses should any such defenses be revealed by discovery in this case. As and for its affirmative and other defenses, BGK states as follows:

#### **First Affirmative Defense**

The notice of opposition fails to state a claim upon which relief can be granted.

### **Second Affirmative Defense**

There is no likelihood of confusion, mistake, or deception between opposer's mark and BGK's BLUE IVY CARTER mark.

### **Third Affirmative Defense**

BGK alleges on information and belief that as a result of opposer's own acts and/or omissions, the opposition is barred by the doctrine of laches.

### **Fourth Affirmative Defense**

BGK alleges on information and belief that the opposition is barred by the doctrine of estoppel.

### **Fifth Affirmative Defense**

BGK alleges on information and belief that as a result of its own acts and omissions, opposer has waived any right to pursue its opposition.

### **Sixth Affirmative Defense**

BGK alleges on information and belief that the opposition is barred by the doctrine of acquiescence.

### **Seventh Affirmative Defense**

BGK alleges on information and belief that the opposition is barred by the doctrine of unclean hands.

### **Eighth Affirmative Defense**

Any and all acts alleged to have been committed by BGK were performed with lack of knowledge and lack of willful intent.

WHEREFORE, BGK requests that the notice of opposition be dismissed with prejudice, together with whatever other relief the Board may deem appropriate.

Dated: June 19, 2017

LATHAM & WATKINS LLP

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*BGK Trademark Holdings, LLC*

**CERTIFICATE OF SERVICE**

I, John Eastly, hereby certify that on June 19, 2017, I served a true and correct copy of the foregoing **ANSWER AND AFFIRMATIVE DEFENSES OF BGK TRADEMARK HOLDINGS, LLC** by electronic mail upon:

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Blue Ivy*

/John M. Eastly/  
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John M. Eastly