

ESTTA Tracking number: **ESTTA313550**

Filing date: **10/26/2009**

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

Proceeding	91191097
Party	Defendant Arthur Schuman, Inc.
Correspondence Address	Marsha G. Ajhar Hartman & Craven LLP 488 Madison Avenue New York, NY 10022 UNITED STATES majhar@hartmancraven.com
Submission	Answer
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Date	10/26/2009
Attachments	ASI Answer to Notice of Opposition.pdf (4 pages)(38463 bytes)

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

In the Matter of Trademark Application Serial No. 77-648,250
Mark: PASTURES OF EDEN
Published in the Official Gazette on May 5, 2009

-----X	:	
Eden Foods, Inc.,	:	Opposition No. 91191097
	:	
Opposer,	:	
	:	
v.	:	
	:	
Arthur Schuman, Inc.,	:	
	:	
Applicant.	:	
-----X	:	

Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202

ANSWER TO NOTICE OF OPPOSITION

For its answer to the Notice of Opposition in the captioned proceeding, Arthur Schuman, Inc. ("Applicant") through its attorneys, Hartman & Craven LLP, hereby alleges as follows:

1. Applicant does not possess information sufficient to form a belief as to the truth of the allegations contained in paragraphs 1 through 6, 10, 11 and 13 of the Notice of Opposition and therefore denies same.

2. Applicant admits that it appears that Opposer prevailed in Opposition Nos. 91107484 and 91151474 in which it opposed registration of the marks EDAN VALLEY and EDEN GARDEN & Design, respectively, but Applicant does not possess information sufficient to form a

belief as to the truth of the remainder of the allegations contained in paragraph 7 of the Notice of Opposition and therefore denies same.

3. Applicant admits that what appear to be photocopies of the federal registrations identified in sections (a) through (r) of paragraph 3 of the Notice of Opposition are attached to the Notice of Opposition as an Exhibit but does not possess information sufficient to form a belief as to the truth of the remainder of the allegations contained in paragraph 8 of the Notice of Opposition pertaining to the current ownership and validity of the marks and registrations so identified and therefore denies same.

4. Applicant does not possess information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Notice of Opposition and specifically does not know whether each and every one of the eighteen registrations listed in paragraph 8 meet the conditions for incontestability set forth in Section 15 of the Lanham Act, 15 USC § 1065, and therefore denies same.

5. Applicant admits the allegations contained in paragraph 12 of the Notice of Opposition.

6. Paragraphs 14 through 17 of the Notice of Opposition assert legal conclusions to which no response is required by Applicant. To the extent, if any, answer(s) may be deemed required, any such allegations contained in paragraphs 14 through 17 of the Notice of Opposition are denied.

Affirmative Defense

1. The Notice of Opposition fails to state a claim upon which relief can be granted.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed in its entirety with prejudice and that Opposer's prayer for relief be denied.

Respectfully submitted,

HARTMAN & CRAVEN LLP
Attorneys for Opposer,
Arthur Schuman, Inc.

Dated: October 26, 2009

By: /s/ Marsha G. Ajhar
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CERTIFICATE OF SERVICE

I hereby certify on this 26th day of October, 2009 that a true and complete copy of the foregoing *Answer to Notice of Opposition* was served upon counsel to Opposer Eden Foods, Inc., via e-mail at electronic address below (pursuant to agreement by the parties' counsel to accept same in lieu of service by mail via the US Postal Service):

ckelly@wileyrein.com

Christopher Kelly, Esq.
Wiley Rein LLP
1776 K Street N.W.
Washington, DC 20006

/s/ Marsha G. Ajhar
Marsha G. Ajhar