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May 11, 2010

Via First Class Mail

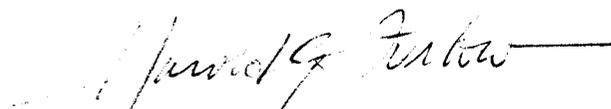
Trademark Trial and Appeal Board
United States Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22314

Re: Opposition No. 91194024; Golding Farms Foods, Inc. v. Raymond Jaquez d/b/a
Multi Vitamin Energy Corp.

Dear Trademark Trial and Appeal Board:

I attach a copy of the Answer and amended Counterclaim in the above-identified
opposition mailed via first class certified mail this same date to the attorney for the opposer.

Very truly yours,

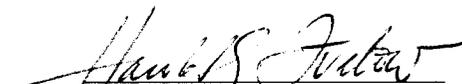


Harold G. Furlow
Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in
an envelope addressed to: Trademark Trial and Appeal Board, United States Patent and Trademark Office, P.O. Box 1451,
Alexandria, VA 22314 by depositing a copy in the United States Mail with sufficient postage for first class mail in an envelope

on this 11th day of May 2010.



Harold G. Furlow, Esq.
Attorney for Applicant

05-13-2010

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

| | | |
|-----------------------------|---|-------------------------|
| GOLDING FARMS FOODS, INC., |) | |
| |) | |
| Opposer, |) | Opposition No. 91194024 |
| |) | Serial No. 77731547 |
| v. |) | Mark: NATURAL HEALTHY |
| |) | SPRING WATER |
| JAQUEZ, RAYMOND d/b/a MULTI |) | |
| VITAMIN ENERGY CORP., |) | |
| |) | |
| Applicant |) | |
| |) | |
| |) | |

ANSWER TO NOTICE OF OPPOSITION AND COUNTERCLAIM

Applicant, Raymond Jaquez, by and through his attorney, hereby answers the Notice of Opposition filed by Golding Farms Foods, Inc., as follows:

1. Applicant admits the allegations contained in paragraph 1 of the Notice of Opposition.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2 of the Opposition and therefore applicant denies those allegations.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3 of the Opposition and therefore applicant denies those allegations.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 4 of the Opposition and therefore applicant denies those allegations.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 5 of the Opposition and therefore applicant denies those allegations.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 6 of the Opposition and therefore applicant denies those allegations.

7. Applicant denies each and every allegation contained therein of paragraph 7 of the Opposition.

8. Applicant denies each and every allegation contained therein of paragraph 8 of the Opposition.

AFFIRMATIVE DEFENSES

9. Opposer has failed to plead facts sufficient to support its claim of confusion, mistake or deception under 1052(d) and therefore this opposition is subject to dismissal.

10. There are numerous registered and pending marks comprised of or including the word NATURAL in connection with beverages. Opposer neither owns exclusive rights to the word NATURAL nor the word HEALTHY for beverages and Opposer's mark should be afforded a narrow range of protection.

11. Applicant's Mark for NATURAL HEALTHY SPRING WATER and Opposer's Mark for NATURALLY HEALTHY are dissimilar in that they differ significantly in appearance, sound and commercial impression. The differences in the marks are sufficient to preclude a likelihood of confusion.

12. Opposer's alleged Mark for "bottled water" is an invalid common law mark.

13. Opposer's alleged use of Opposer's Mark as applied to the goods of "bottled water" lacks secondary meaning.

14. Applicant's Mark in its entirety when used in connection with Applicant's goods is dissimilar to Opposer's Mark in its entirety used in connection with Opposer's goods, unlikely to cause confusion, mistake or deception and without injury to the Opposer and the public.

15. Opposer identifies the goods registered for Opposer's Mark and then adds the goods "bottled water" to this Opposition when "bottled water" goods is a distant good from Opposer's registered goods and not an identified good in Opposer's registrations; Applicant respectfully submits upon information and belief that Opposer is acting purposefully without notice of said and in bad faith.

16. Opposer's opposes Applicant's Mark for "bottled water drinking water, namely, spring water" goods when the goods identified in Opposer registered mark fails to identify "bottled water" as goods or water related goods in any form in any of Opposer's registrations. Applicant respectfully requests that Opposer be estopped from asserting an Opposition under §1052(d) that identifies goods unconnected and not identified in Opposer's list of registered goods.

17. Opposer's alleged use of Opposer's Mark with "bottled water" is at best weak and entitled to only the narrowest protection.

18. Applicant is the owner of registration no. 299319 that was registered on July 18, 2005 on the supplemental register for the word mark NATURAL HEALTHY WATER in international class 005 for "bottled vitamin enriched water". Opposer has taken no action on this registered mark. Applicant respectfully submits that Opposer's opposition to Applicant's opposed Mark in whole or part is barred by the doctrines of laches and acquiescence.

19. Opposer's claim against Applicant's Mark, in whole or in part, are barred because Applicant has acted within its rights and in good faith.

20. Upon information and belief, Applicant's Mark has priority over Opposer's Mark as allegedly applied under common law to the goods for "bottled water".

COUNTERCLAIM

21. Applicant seeks the cancellation of Opposer's mark in whole or in part to include, inter alia, restriction of Opposer's goods on the register under Sec. 18. Opposer's list of registered goods do not extend to encompass "bottled water" goods in any form and Applicant asserts that Opposer's opposition is based on the additional alleged use the Opposer's Mark on unconnected goods under common law to those goods

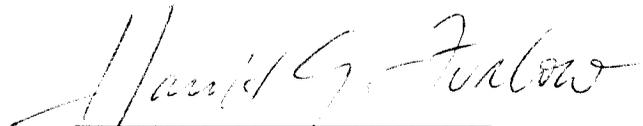
identified on Opposer's registration. Opposer's registered goods are significantly different from Applicant's goods in both Applicant's NATURAL HEALTHY SPRING WATER and Applicant's registered Mark no. 2999319 for NATURAL HEALTHY WATER. Applicant respectfully submits that Opposer's registered goods for Opposer's Mark are thus ambiguous and undefined. Applicant's goods for Applicant's Marks are and have been in use in good faith for goods that are distinct and narrowly defined. Opposer is not using Opposer's Mark on Applicant's goods. Applicant respectfully requests that Opposer's present registration for NATURALLY HEALTHY and any future registrations be restricted under international class 032 so as to accommodate the registration of Applicant's Mark NATURAL HEALTHY SPRING WATER for "bottled water drinking water, namely, spring water" and registered Mark NATURAL HEALTHY SPRING WATER for "bottled vitamin enriched water" and thereby avoid a finding of likelihood of confusion.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed in its entirety.

Respectfully submitted,

Raymond Jaquez d/b/a Multi
Vitamin Energy Corp.

By his Attorney,



Harold G. Furlow, Esq.
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CERTIFICATE OF SERVICE

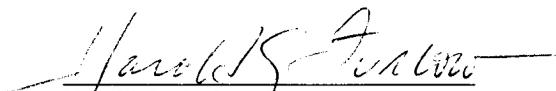
I hereby certify that I have this day served the foregoing ANSWER AND COUNTERCLAIM upon counsel by depositing a copy in the United States Mail with sufficient postage for first class mail in an envelope addressed to the following:

Blanco Tackabery & Matamoros, P.A.

Attn: Mr. Peter J. Juran, Of Counsel

P.O. Drawer 25008

Winston Salem, NC 27114-5008 on this 11 day of May 2010.



Harold G. Furlow, Esq.

New York State Bar No.

United States Patent and Trademark Office Registration No. 43,621

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