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

Proceeding	91204124
Party	Defendant Robert Campbell
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Date	06/11/2012
Attachments	Plant Herbal Opposition Answer.pdf ( 4 pages )(213327 bytes )

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
TRADEMARK TRIAL AND APPEL BOARD**

**THRESHOLD ENTERPRISES, LTD.,**

**Opposer,**

**v.**

**ROBERT CAMPBELL,**

**Applicant**

**Opposition No.: 91204124**

**Serial No.: 85396136**

**Mark: PLANT HERBAL TREASURES**

**Published: January 31, 2012**

**APPLICANT’S ANSWER TO NOTICE OF OPPOSITION**

Applicant Robert Campbell (“Applicant”) through its undersigned attorney submits its answer to the Notice of Opposition (“Opposition”) filed by Threshold Enterprises, LTD.

(“Opposer”) dated March 1, 2012 as follows:

1. Applicant admits that the records of the United States Patent and Trademark Office (“USPTO”) regarding Serial No. 85396136 (the “Application”) describe Applicant as Robert Campbell with an address of 2917 Camino Del Bosque, Santa Fe, New Mexico 87507, United States. To the extent that the allegations of Paragraph 1 of the Opposition are not specifically admitted, they are denied.

2. Applicant admits that the USPTO records regarding the Application identify the class of goods and services as “Dietary herbal supplements, vitamins and nutritional supplements” in International Class 005. To the extent that the allegations of Paragraph 2 of the Opposition are not specifically admitted, they are denied.

3. Paragraph 3 of the Opposition states legal conclusions of the Opposer, to which no answer is required. To the extent that further response is necessary, Applicant admits that the

USPTO records indicate that the owner of application U.S. Trademark Registration No. 3370447 is the Opposer and that it was for “vitamins, dietary herbal supplements and nutritional supplements” in International Class 005. To the extent that the allegations of paragraph 3 of the Opposition are not specifically admitted, they are denied.

4. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 4 of the Opposition and therefore denies such allegations.

5. Paragraph 5 of the Opposition states legal conclusions of the Opposer, to which no answer is required. To the extent that further response is necessary, Applicant admits that the USPTO records indicate that the owner of application U.S. Trademark Registration No. 1900303 is the Opposer and that it was for “dietary herbal supplements and nutritional supplements” in International Class 005. To the extent that the allegations of paragraph 5 of the Opposition are not specifically admitted, they are denied.

6. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations of paragraph 6 of the Opposition and therefore denies such allegations.

7. Paragraph 7 of the Opposition states legal conclusions of the Opposer, to which no answer is required. To the extent that further response is necessary, Applicant denies the allegations of paragraph 7 of the Opposition.

8. Paragraph 8 of the Opposition states legal conclusions of the Opposer, to which no answer is required. To the extent that further response is necessary, Applicant denies the allegations of paragraph 8 of the Opposition.

9. Paragraph 9 of the Opposition states legal conclusions of the Opposer, to which no answer is required. To the extent that further response is necessary, Applicant denies the allegations of paragraph 9 of the Opposition.

**AFFIRMATIVE DEFENSES**

1. Opposer has failed to state a claim upon which relief can be granted.
2. Applicant hereby gives notice that it may rely on any other defenses that may become available or appear proper during discovery, and hereby reserves the right to amend this Answer to assert any such defenses.

WHEREFORE, Applicant requests that the opposition be dismissed and that Serial No. 85396136 be allowed to register.

Date June 11, 2012

Respectfully submitted,

          /s/ Jacob Chapman            
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**CERTIFICATE OF SERVICE**

I certify that on the 11th day of June 2012, a true copy of the foregoing **Applicant's Answer to Notice of Opposition** is being served by email and mailing a copy thereof by certified mail addressed to the following individuals, identified in the Notice of Opposition as the attorneys of record and correspondents.

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