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

Proceeding	91205393
Party	Defendant Humboldt Nutrients LLC
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7 **IN THE UNITED STATES TRADEMARK TRIAL**
8 **AND APPEAL BOARD**
9

10 **In re Application of Humboldt Nutrients,**) Opposition No. 91205393
11 **LLC for the Trademark "Humboldt**) **ANSWER OF TO OPPOSITION TO**
12 **Nutrients", (Application Serial Number**) **APPLICATION OF HUMBOLT**
13 **8534059)**) **NUTRIENTS, LLC FOR THE**
14) **TRADEMARK "HUMBOLDT**
15) **NUTRIENTS"**
16)

17 HUMBOLDT NUTRIENTS, LLC ("Applicant") hereby responds to HUMBOLDT
18 WHOLESAL, INC.'s ("Opposer") Opposition to the Application for registration of the
19 "Humboldt Nutrients" trademark as follows:

20 **ANSWER**

- 21 1. Upon information and belief, Applicant admits the allegations contained in
22 Paragraph 1 of the Opposition.
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24 2. Applicant lacks sufficient information to form a belief as to the truth and falsity of
25 the allegations contain in Paragraph 2 and on that basis denies the same.
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27 3. Applicant admits that Opposer owns a registration on the Principal Register for
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1 the trademark "HW Humboldt Wholesale" (Reg. No. 3721408) and admits that Opposer owns a
2 registration on the Supplemental Register for the mark "Humboldt Wholesale" (Reg. No.
3 3681708).

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5 4. Applicant lacks sufficient information to form a belief as to the truth and falsity of
6 the allegations contain in Paragraph 4 and on that basis denies the same.

7 5. Applicant lacks sufficient information to form a belief as to the truth and falsity of
8 the allegations contain in Paragraph 5 and on that basis denies the same.

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10 6. Applicant admits the allegations contained in Paragraph 6.

11 7. Applicant admits the allegations contained in Paragraph 7.

12 8. Applicant denies the allegations contained in paragraph 8.

13 9. Applicant denies the allegations contained in paragraph 9.

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15 10. Applicant denies that Opposer would be seriously damaged by registration of the
16 "Humboldt Nutrients" mark, but lacks sufficient information to form a belief as to the truth and
17 falsity of the remaining allegations in Paragraph 10 and on that basis denies the same.

18 11. Applicant admits the allegations contained in Paragraph 11.

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20 **AFFIRMATIVE DEFENSES**

21 **First Affirmative Defense**

22 1. The Opposition does not state facts sufficient to constitute grounds for denying
23 registration of the "Humboldt Nutrients" mark.

24 **Second Affirmative Defense**

25 2. Opposer has not and will not be damaged by the registration of the "Humboldt
26 Nutrients" mark and therefore lacks standing to petition and cancel the registration.
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and allows registration of the mark;

- 2. For costs of suit incurred herein;
- 3. For reasonable attorney's fees; and
- 4. For such other and further relief as the Court may deem just and proper.

July 9th
Dated: June , 2012

JOHNSON, MONCRIEF, & HART, PC

/s/ Dennis Lewis
Dennis Lewis, Esq.
Attorney for Applicant Humboldt Nutrients, LLC

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that an original copy of the foregoing ANSWER TO
OPPOSITION was transmitted online on June 7th, 2012 through the website of the Trademark
Trial and Appeal Board of the United States Patent and Trademark Office.

Dated: June 7th, 2012
Salinas, CA

/s/ Dennis Lewis
Dennis Lewis