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

Proceeding	91206176
Party	Defendant BB Endeavors LLC
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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SOCIÉTÉ DES PRODUITS NESTLÉ S.A.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91206176
)	
BB ENDEAVORS LLC,)	
)	
Applicant.)	
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ANSWER

Applicant BB Endeavors LLC ("Applicant") responds as follows to the allegations made in the Notice of Opposition filed by Opposer Société des Produits Nestlé S.A. ("Opposer" or "Nestlé") in the foregoing Answer:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1, and therefore denies them.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2, and therefore denies them.
3. Applicant admits only that Opposer is identified in the United States Patent and Trademark Office's Trademark Applications and Registrations Retrieval ("TARR") system as either the applicant or registrant of the U.S. trademark applications and registrations listed in Exhibit A to the Notice of Opposition. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 3, and therefore denies them.
4. Applicant admits only that Opposer is identified in the United States Patent and Trademark Office's TARR system as either the applicant or registrant of the U.S. trademark

applications and registrations listed in Exhibit A to the Notice of Opposition. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 4, and therefore denies them.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5, and therefore denies them.

6. Applicant denies Opposer's allegation in Paragraph 6 that the applications and registrations identified in Exhibit A to the Notice of Opposition "constitute a series or family of marks that are owned by and in the name of Nestlé and its affiliates." Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations in Paragraph 6, and therefore denies them.

7. Applicant admits that it is a limited liability corporation organized under the laws of the state of New York, and that it has a mailing address at P.O. Box 2088, New York, New York 10013. Applicant denies any other allegations made in Paragraph 7 except as admitted herein.

8. Denied.

9. Denied.

10. Applicant repeats and reasserts its admissions and denials as set forth in Paragraphs 1 through 9.

11. Applicant admits only that Opposer is identified in the United States Patent and Trademark Office's TARR system as either the applicant or registrant of the U.S. trademark applications and registrations listed in Exhibit A to the Notice of Opposition. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 11, and therefore denies them.

12. Applicant admits only that the United States Patent and Trademark Office's TARR system indicates that Opposer filed its application for the mark shown in Registration No. 2,324,506 on April 21, 1999. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 12, and therefore denies them.

13. Applicant admits that it filed Application Serial No. 85/302,689 on April 22, 2011, and that such filing was based upon Applicant's bona fide intent to use the mark, pursuant to Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b). Applicant is without knowledge or information sufficient to form a belief as to the truth of the remaining allegations of Paragraph 13, and therefore denies them.

14. Denied.

15. Applicant admits that Application Serial No. 85/302,689 identifies nutritional bars for use as a meal replacement; nutritional shakes for use as a meal replacement; meal replacement snacks; and sauces. Applicant further admits that the United States Patent and Trademark Office's TARR system indicates that at least one of the applications or registrations identified in Exhibit A to the Notice of Opposition identifies each of candy, chocolate confections, ice cream, low fat ice cream, low fat ice cream sandwiches, milk, and frozen confections. Applicant denies any remaining allegations asserted in Paragraph 15.

16. Denied.

17. Denied.

18. Denied.

19. Applicant repeats and reasserts its admissions and denials as set forth in Paragraphs 1 through 18.

20. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 20, and therefore denies them.

21. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 21, and therefore denies them.

22. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 22, and therefore denies them.

23. Applicant admits that it filed Application Serial No. 85/302,689 on April 22, 2011, and that such filing was based upon Applicant's bona fide intent to use the mark, pursuant to Section 1(b) of the Lanham Act, 15 U.S.C. § 1051(b).

24. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 24, and therefore denies them.

25. Denied.

26. Applicant admits that Application Serial No. 85/302,689 identifies nutritional bars for use as a meal replacement; nutritional shakes for use as a meal replacement; meal replacement snacks; and sauces. Applicant further admits that the United States Patent and Trademark Office's TARR system indicates that at least one of the applications or registrations identified in Exhibit A to the Notice of Opposition identifies each of candy, chocolate confections, ice cream, low fat ice cream, low fat ice cream sandwiches, milk, and frozen confections. Applicant denies any remaining allegations asserted in Paragraph 26.

27. Denied.

28. Denied.

29. Denied.

WHEREFORE, Applicant prays that judgment be entered in favor of Applicant and against Opposer, and that the mark depicted in Application Serial No. 85/302,689 be allowed to register on the Principal Register.

Respectfully submitted,

PATTISHALL, McAULIFFE, NEWBURY,
HILLIARD & GERALDSON LLP

Dated: August 28, 2012

By: /Robert W. Sacoff/
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CERTIFICATE OF TRANSMISSION

I hereby certify that a true and correct copy of the foregoing **ANSWER** was electronically transmitted to the Trademark Trial and Appeal Board on August 28, 2012.

/Seth I. Appel/

Seth I. Appel

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing **ANSWER** was served upon Opposer via first-class mail, postage prepaid, addressed to A. John P. Mancini, Mayer Brown LLP, 1675 Broadway, New York, New York 10019, on August 28, 2012.

/Seth I. Appel/

Seth I. Appel