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

Proceeding	91208841
Party	Defendant Popcornopolis, LLC
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Date	06/24/2013
Attachments	NEARLY NAKED Answer.pdf(101728 bytes)

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

In the matter of Trademark Application

Serial No.: 85625534
By: Popcornopolis, LLC
For the Trademark: NEARLY NAKED

Stacy's Pita Chip Company, Inc.

Opposer,

v.

Popcornopolis, LLC,

Applicant.

Opposition No. 91208841

ANSWER AND AFFIRMATIVE DEFENSES

Popcornopolis, LLC ("Applicant"), by and through its counsel, hereby answers the Notice of Opposition by addressing each allegation and stating affirmative defenses.

Answering the preamble of the Notice of Opposition, Applicant is without knowledge or information sufficient to admit or deny Stacy's Pita Chip Company, Inc.'s ("Opposer") incorporation and location, and its claim of damage, and on that basis denies such allegations. Answering the second part of the preamble, Applicant admits the current owner of the above-referenced application for NEARLY NAKED (the "Application") is Popcornopolis, LLC.

ANSWER

1. Answering the allegations of Paragraph 1 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 1, and on that basis, denies the allegations.

2. Answering the allegations of Paragraph 2 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 2, and on that basis, denies the allegations.

3. Answering the allegations of Paragraph 3 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 3, and on that basis, denies the allegations.

4. Answering the allegations of Paragraph 4 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 4, and on that basis, denies the allegations.

5. Answering the allegations of Paragraph 5 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 5, and on that basis, denies the allegations.

6. Answering the allegations of Paragraph 6 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 6, and on that basis, denies the allegations.

7. Answering the allegations of Paragraph 7 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 7, and on that basis, denies the allegations.

8. Answering the allegations of Paragraph 8 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 8, and on that basis, denies the allegations.

9. Answering the allegations of Paragraph 9 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 9, and on that basis, denies the allegations.

10. Answering the allegations of Paragraph 10 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 10, and on that basis, denies the allegations.

11. Answering the allegations of Paragraph 11 of the Notice of Opposition, Applicant admits it owns an application to register the mark NEARLY NAKED, filed May 15, 2012 with the U.S. Patent & Trademark Office (“PTO”), Ser. No. 85625534, for “Snack foods, namely, popped grain,” in International Class 30, and that the application indicates Applicant’s address as 1330 Sunset Avenue, Santa Monica, California, 90405.

12. Answering the allegations of Paragraph 12 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 12, and on that basis, denies the allegations.

13. Answering the allegations of Paragraph 13 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 13, and on that basis, denies the allegations.

14. Answering the allegations of Paragraph 14 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 14, and on that basis, denies the allegations.

15. Answering the allegations of Paragraph 15 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 15, and on that basis, denies the allegations.

16. Answering the allegations of Paragraph 16 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 16, and on that basis, denies the allegations.

17. Answering the allegations of Paragraph 17 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 17, and on that basis, denies the allegations.

18. Answering the allegations of Paragraph 18 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 18, and on that basis, denies the allegations.

19. Answering the allegations of Paragraph 19 of the Notice of Opposition, Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations outlined in Paragraph 19, and on that basis, denies the allegations.

AFFIRMATIVE DEFENSES

Applicant asserts the following affirmative defenses without conceding that it has the burden of proof or burden of producing evidence with respect to any of these issues.

1. Opposer's claims are barred by the doctrine of Acquiescence.
2. Applicant's acts are privileged and lawful.
3. Applicant hereby reserves all rights to assert additional defenses should Applicant learn of grounds for such defenses during the course of this proceeding.

Wherefore, Applicant respectfully requests that the Notice of Opposition be rejected and Applicant's Mark be allowed to proceed to registration.

Date: June 24, 2013

COBALT LLP

By: /s/ Tsan Abrahamson

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that on this 24th day of June 2013, a true and correct copy of the foregoing ANSWER AND AFFIRMATIVE DEFENSES was served upon Opposer by U.S. First Class Mail in an envelope, postage pre-paid, addressed as follows:

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