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

Proceeding	91221291
Party	Plaintiff Ferrero S.p.A.
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Submission	Answer to Counterclaim
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Date	07/06/2015
Attachments	Ferrero's Answer to Counterclaims.pdf(117835 bytes )

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

Ferrero S.p.A., )  
)  
Opposer/Registrant ) Opposition No. 91221291  
)  
v. )  
)  
Ruchi Soya Industries Limited, )  
)  
Applicant/Petitioner. )

**ANSWER TO COUNTERCLAIMS**

Opposer/Registrant Ferrero S.p.A. (“Ferrero”), by and through its undersigned counsel, as and for its Answer to the Counterclaims of Applicant/Petitioner Ruchi Soya Industries Limited, states as follows:

1. Ferrero admits the allegations of Paragraph 1 of the Counterclaims.
2. Ferrero admits the allegations of Paragraph 2 of the Counterclaims.
3. Ferrero admits the allegations of Paragraph 3 of the Counterclaims.
4. Ferrero admits the allegations of Paragraph 4 of the Counterclaims.
5. Ferrero admits the allegations of Paragraph 5 of the Counterclaims.
6. No response is required to Paragraph 6 of the Counterclaims
7. Ferrero admits the allegations of Paragraph 7 of the Counterclaims.
8. Ferrero admits the allegations of Paragraph 8 of the Counterclaims.
9. Ferrero admits the allegations of Paragraph 9 of the Counterclaims.
10. Ferrero admits the allegations of Paragraph 10 of the Counterclaims.
11. Ferrero admits the allegations of Paragraph 11 of the Counterclaims, but Ferrero relies on other registrations as well.
12. Ferrero denies the allegations of Paragraph 12 of the Counterclaims.

**COUNT I**  
**Abandonment of the NUTELLA LOVE & DESIGN Mark**

13. No response is required to Paragraph 13 of the Counterclaims.
14. Ferrero denies the allegations of Paragraph 14 of the Counterclaims.
15. Ferrero denies the allegations of Paragraph 15 of the Counterclaims.
16. Ferrero denies the allegations of Paragraph 16 of the Counterclaims.
17. Ferrero denies the allegations of Paragraph 17 of the Counterclaims.
18. Ferrero denies the allegations of Paragraph 18 of the Counterclaims.
19. Ferrero denies the allegations of Paragraph 19 of the Counterclaims.
20. Ferrero denies the allegations of Paragraph 20 of the Counterclaims.
21. Ferrero denies the allegations of Paragraph 21 of the Counterclaims.
22. Ferrero denies the allegations of Paragraph 22 of the Counterclaims.
23. Ferrero denies the allegations of Paragraph 23 of the Counterclaims.

**COUNT II**  
**Abandonment of the NUTELLA & DESIGN Mark**

24. No response is required to Paragraph 24 of the Counterclaims.
25. Ferrero denies the allegations of Paragraph 25 of the Counterclaims.
26. Ferrero denies the allegations of Paragraph 26 of the Counterclaims.
27. Ferrero denies the allegations of Paragraph 27 of the Counterclaims.
28. Ferrero denies the allegations of Paragraph 28 of the Counterclaims.
29. Ferrero denies the allegations of Paragraph 29 of the Counterclaims.
30. Ferrero denies the allegations of Paragraph 30 of the Counterclaims.
31. Ferrero denies the allegations of Paragraph 31 of the Counterclaims.
32. Ferrero denies the allegations of Paragraph 32 of the Counterclaims.
33. Ferrero denies the allegations of Paragraph 33 of the Counterclaims.

34. Ferrero denies the allegations of Paragraph 34 of the Counterclaims.

**COUNT III**  
**Abandonment of the NUTELLA LOVE & DESIGN Mark**

35. No response is required to Paragraph 35 of the Counterclaims.

36. Ferrero denies the allegations of Paragraph 36 of the Counterclaims.

37. Ferrero denies the allegations of Paragraph 37 of the Counterclaims.

38. Ferrero denies the allegations of Paragraph 38 of the Counterclaims.

39. Ferrero denies the allegations of Paragraph 39 of the Counterclaims.

40. Ferrero denies the allegations of Paragraph 40 of the Counterclaims.

**AFFIRMATIVE DEFENSES TO THE COUNTERCLAIMS**

Subject to the responses above, Ferrero serves the following affirmative defenses to the Counterclaims. Assertion of these defenses is not a concession that Ferrero has the burden of proving the matters asserted. Ferrero reserves the right to assert additional affirmative defenses, as they become known through the course of discovery.

1. The Counterclaims fail to state a claim upon which relief can be granted.
2. The Counterclaims are barred by the doctrine of laches.
3. Ferrero will rely on such other and further defenses as appear from discovery and the evidence.

WHEREFORE, Ferrero respectfully requests that the Counterclaims be dismissed with prejudice.

Respectfully submitted,

Ferrero S.p.A.



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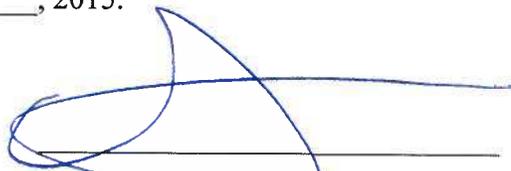
Dated: July 6, 2015

### CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing ANSWER TO COUNTERCLAIMS have been served via First Class Mail, postage prepaid, to the following:

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On this July 6, 2015.



Lisa M. Locke