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

Proceeding	91221701
Party	Defendant DOCHIRNIE PIDPRYIEMSTVO "KONDYTERSKA KOR PORATSIIA "ROSHEN"
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Submission	Answer
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Date	09/08/2015
Attachments	Answer to Notice of Opposition.pdf(138099 bytes)

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

-----X
**HERSHEY CHOCOLATE & CONFECTIONERY
CORPORATION,**

Opposition No.: 91221701

Opposer,

v.

**DOCHIRNIE PIDPRYIEMSTVO
“KONDYTERSKA KOR PORATSIIA
‘ROSHEN,’”**

Applicant.
-----X

ANSWER TO NOTICE OF OPPOSITION

Applicant Dochirnie Pidpryiemstvo “Kondyterska Kor Poratsiia ‘Roshen’” (“Applicant” or “Roshen”), in Answer to the Notice of Opposition filed by Hershey Chocolate & Confectionery Corporation (“Opposer” or “Hershey”), hereby states as follows:

1. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 1 of the Notice of Opposition, and therefore, denies the allegations.

2. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 2 of the Notice of Opposition, and therefore, denies the allegations.

3. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 3 of the Notice of Opposition, and therefore, denies the allegations.

4. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 4 of the Notice of Opposition, and therefore, denies the allegations.

5. Applicant admits that Opposer owns a number of federal trademark registrations for candy and chocolate products. Applicant is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 5 of the Notice of Opposition, and therefore, denies the allegations.

6. Applicant admits the allegations contained in Paragraph 6 of the Notice of Opposition.

7. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 7 of the Notice of Opposition, and therefore, denies the allegations.

8. With respect to the allegations contained in the sentence of Paragraph 8, Applicant admits that it applied to register the mark “ELEGANCE and Design” for Chocolate in International Class 30. Applicant is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations contained in Paragraph 8 of the Notice of Opposition, and therefore, denies the allegations.

9. Applicant denies the allegations contained in Paragraph 9 of the Notice of Opposition.

10. Applicant denies the allegations contained in Paragraph 10 of the Notice of Opposition.

11. Applicant denies the allegations contained in Paragraph 11 of the Notice of Opposition.

12. Applicant denies the allegations contained in Paragraph 12 of the Notice of

13. Applicant denies the allegations contained in Paragraph 13 of the Notice of Opposition.

GENERAL DENIAL

Applicant denies each and every factual allegation in the Notice of Opposition that is not specifically admitted or otherwise addressed in the preceding paragraphs and demands strict proof thereof.

ANSWER TO PRAYER FOR RELIEF

Applicant denies that Opposer is entitled to any relief whatsoever.

AFFIRMATIVE DEFENSES

Applicant asserts the following affirmative defenses based upon information presently available, and Applicant reserves the right to assert additional affirmative defenses or withdraw any of these affirmative defenses as further information becomes available.

FIRST AFFIRMATIVE DEFENSE

(Failure to State a Claim)

The Opposers' Notice of Opposition fails to state a claim upon which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

(Laches)

The relief sought by the Opposer is barred by the doctrine of laches.

THIRD AFFIRMATIVE DEFENSE

(Acquiescence)

The relief sought by the Opposer is barred by the doctrine of acquiescence.

FOURTH AFFIRMATIVE DEFENSE

(Estoppel)

The relief sought by the Opposer is barred by the doctrine of estoppel.

FIFTH AFFIRMATIVE DEFENSE

(Waiver)

The relief sought by the Opposer is barred by the doctrine of waiver.

SIXTH AFFIRMATIVE DEFENSE

(Additional Affirmative Defenses)

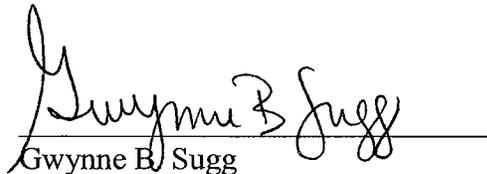
Applicant presently has insufficient knowledge and information as to whether it may have additional defenses available. Applicant reserves the right to assert additional defenses.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed with prejudice.

Dated: September 8, 2015

MOSER TABOADA

By:



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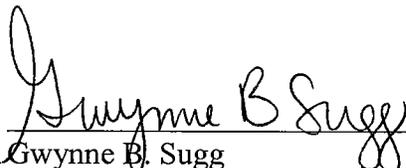
CERTIFICATE OF SERVICE

It is hereby certified that a copy of the foregoing Answer to Notice of Opposition No. 91221701 is being electronically filed with the United States Patent and Trademark Office on September 8, 2015, and that a true and correct copy of the foregoing Notice of Opposition has been served on Opposers' counsel, via postage paid, first class mail, in addition to email courtesy copy, at the address listed below:

Mr. Paul Llewellyn
Kaye Scholer LLP
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Dated: September 8, 2015

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