

ESTTA Tracking number: **ESTTA675865**

Filing date: **06/03/2015**

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

Proceeding	91221741
Party	Defendant Mizkan Americas, Inc.
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Date	06/03/2015
Attachments	Asian Made Easy Answer.pdf(15845 bytes)

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

KIKKOMAN SALES USA, INC.,	:	
	:	
Opposer,	:	Opposition No. 91221741
	:	Mark: ASIAN MADE EASY (design)
	:	
	:	
v.	:	Serial No. 86/194458
	:	
	:	Published in <i>Official Gazette</i>: December 30, 2014
	:	
MIZKAN AMERICAS, INC.,	:	
	:	
Applicant.	:	
	:	

ANSWER TO NOTICE OF OPPOSITION

Applicant, Mizkan Americas, Inc. (“Mizkan” or “Applicant”), by and through its undersigned attorneys, hereby responds to the Notice of Opposition of Opposer, Kikkoman Sales USA, Inc. (“Kikkoman” or “Opposer”).

In accordance with the numbered paragraphs of the Notice, Applicant responds as follows:

OPPOSER’S TRADEMARK

1. Applicant lacks knowledge or information sufficient to form a belief about the truth of the matter asserted, and therefore denies each of said allegations in paragraph 1 of the Notice of Opposition.

2. Applicant lacks knowledge or information sufficient to form a belief about the truth of the matter asserted, and therefore denies each of said allegations in paragraph 2 of the Notice of Opposition.

3. Applicant lacks knowledge or information sufficient to form a belief about the truth of the matter asserted, and therefore denies each of said allegations in paragraph 3 of the Notice of Opposition.

4. Applicant admits that U.S. Registration No. 3,460,956 for “UMAMI MADE EASY” appears on the Principal register and in the electronic files of the U.S. Patent and Trademark Office and that Opposer is listed as the current owner of said registration. Applicant expressly denies each and every remaining allegation in paragraph 4 of the Notice of Opposition.

5. Applicant lacks knowledge or information sufficient to form a belief about the truth of the matter asserted, and therefore denies each of said allegations in paragraph 5 of the Notice of Opposition.

6. Applicant lacks knowledge or information sufficient to form a belief about the truth of the matter asserted, and therefore denies each of said allegations in paragraph 6 of the Notice of Opposition.

7. Applicant lacks knowledge or information sufficient to form a belief about the truth of the matter asserted, and therefore denies each of said allegations in paragraph 7 of the Notice of Opposition.

APPLICANT’S ‘458 APPLICATION

8. Applicant admits the allegations set forth in paragraph 8 of the Notice of Opposition.

9. Applicant admits the allegations set forth in paragraph 9 of the Notice of Opposition.

10. Applicant admits the allegations set forth in paragraph 10 of the Notice of Opposition.

11. Applicant admits the allegations set forth in paragraph 11 of the Notice of Opposition.

12. Applicant lacks knowledge or information sufficient to form a belief about the truth of the matter asserted, and therefore denies each of said allegations in paragraph 12 of the Notice of Opposition.

LIKELIHOOD OF CONFUSION

13. Applicant denies each of the allegations set forth in paragraph 13 of the Notice of Opposition.

14. Applicant denies each of the allegations set forth in paragraph 14 of the Notice of Opposition.

15. Applicant denies each of the allegations set forth in paragraph 15 of the Notice of Opposition.

16. Applicant denies each of the allegations set forth in paragraph 16 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

By way of further answer, Applicant responds as follows:

1. Opposer's Notice of Opposition fails to state a claim upon which relief can be granted.

2. Opposer's use of the terms "ASIAN MADE EASY", Opposer's alleged common law mark, is descriptive and lacks secondary meaning.

3. Opposer does not own a family of marks that include the terms "MADE EASY".

4. Applicant reserves the right to raise additional affirmative defenses and to supplement those asserted herein upon discovery of further information and investigation into the Opposer's claims.

WHEREFORE, Applicant prays that Application Serial No. 85/226471 be allowed to proceed to registration, and that the Opposition be dismissed with prejudice.

Respectfully submitted,

MIZKAN AMERICAS, INC.

Dated: June 3, 2015

By: /Perla M. Kuhn/

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Answer to Notice of Opposition was served on counsel for Opposer via first class mail, postage prepaid, and electronic mail on the date listed below, addressed as follows:

Michael J. Gratz
BOYLE FREDRICKSON, S.C.
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Dated: June 3, 2015
New York, New York

By: *Varant Ekmekjian*
Varant Ekmekjian