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

Proceeding	91222532
Party	Defendant Multibrands International Ltd
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Date	08/04/2015
Attachments	Answer to Notice of Opposition.pdf(110818 bytes)

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

Kimberly-Clark Worldwide, Inc.,

Opposer,

v.

Opposition No. 91222532

Multibrands International Ltd.,

Applicant.

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

In response to the Notice of Opposition (hereafter “Notice”) filed by Kimberly-Clark Worldwide, Inc. (hereafter “Opposer”) on June 24, 2015, the Applicant, Multibrands International Ltd. (hereafter “Applicant”), answers the Notice identified above as follows:

1. In response to the allegations of paragraph 1 of the Notice, the Applicant is without knowledge.
2. In response to the allegations of paragraph 2 of the Notice, the Applicant is without knowledge.
3. In response to the allegations of paragraph 3 of the Notice, the Applicant is without knowledge.
4. In response to the allegations of paragraph 4 of the Notice, the Applicant is without knowledge.
5. In response to the allegations of paragraph 5 of the Notice, the Applicant is without knowledge.

6. In response to the allegations of paragraph 6 of the Notice, the Applicant is without knowledge.
7. In response to the allegations of paragraph 7 of the Notice, the Applicant is without knowledge.
8. In response to the allegations of paragraph 8 of the Notice, the Applicant is without knowledge.
9. In response to the allegations of paragraph 9 of the Notice, the Applicant is without knowledge.
10. In response to the allegations of paragraph 10 of the Notice, the Applicant is without knowledge.
11. In response to the allegations of paragraph 11 of the Notice, the Applicant is without knowledge.
12. In response to the allegations of paragraph 12 of the Notice, the Applicant is without knowledge.
13. In response to the allegations of paragraph 13 of the Notice, the Applicant is without knowledge.
14. Applicant admits the allegations of paragraph 14 of the Notice.
15. Applicant denies the allegations of paragraph 15 of the Notice.
16. Applicant repeats each and every response set forth in Paragraphs 1 through 15.
17. Applicant denies the allegations of paragraph 17 of the Notice.
18. Applicant denies the allegations of paragraph 18 of the Notice.
19. Applicant denies the allegations of paragraph 19 of the Notice.
20. Applicant denies the allegations of paragraph 20 of the Notice.

21. Applicant denies the allegations of paragraph 21 of the Notice.
22. Applicant repeats each and every response set forth in Paragraphs 1 through 21.
23. In response to the allegations of paragraph 23 of the Notice, the Applicant is without knowledge.
24. In response to the allegations of paragraph 24 of the Notice, the Applicant is without knowledge.
25. Applicant denies the allegations of paragraph 25 of the Notice.

Affirmative Defenses

In further answer to the Notice, the Applicant asserts that:

First Affirmative Defense

26. Opposer's Notice fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the opposition.

Second Affirmative Defense

27. Upon information and belief, Opposer has no priority of use to the HUNNIES mark.

Third Affirmative Defense

28. There is no similarity between Applicant's HUNNIES mark and Opposer's marks as to appearance. Specifically, the Applicant's mark does not contain the repeating "G's" that form the beginning of the second syllable of Opposer's marks. Likewise, the Opposer's marks lack the repeating "N's" that form the beginning of the second syllable of Applicant's mark.

Fourth Affirmative Defense

29. Purchasers of goods sold along with the relevant marks are careful and sophisticated, thus making any confusion or mistake amongst potential overlapping consumers highly unlikely.

Fifth Affirmative Defense

30. The respective trademarks, as appears on each party's respective goods and services, do not create the same or similar commercial impression when viewed separately by the ordinary consumer.

Sixth Affirmative Defense

31. Other than beginning with the letter "H," the Opposer's marks do not sound like the Applicant's mark. Specifically, the Applicant's mark is pronounced "hu-ne," whereas the Opposer's marks are pronounced "hu-ge." The Opposer's marks strongly emphasize the pronunciation of the letter "G," whereas the Applicant's mark emphasizes the pronunciation of the letter "N."

Seventh Affirmative Defense

32. The connotation of Opposer's marks is fundamentally different from Applicant's mark. Namely, the Applicant's mark is for the coined word "HUNNIES," which can be seen as reminiscent of the word "honey," meaning a "thick, sweet substance produced by bees" or a term "used to address someone you love." In Opposer's marks, the word "HUGGIES," is reminiscent of the word "hug," meaning "to put your arms around someone especially as a way of showing love or friendship." As such, both marks carry significant differences in commercial impression.

Eighth Affirmative Defense

33. Ordinary Consumers would not confuse or conclude that the parties' products share a common source or affiliation or connection.

Ninth Affirmative Defense

34. On information and belief, Opposer's goods are more expensive than that of the Applicant; thus, Consumers are unlikely to purchase Opposer's goods supposing they derive from Applicant or vice versa.

Tenth Affirmative Defense

35. Opposer has no examples of any actual confusion amongst consumers with regards to Applicant's HUNNIES mark and Opposer's marks.

Applicant reserves the right to amend this Answer to assert any additional affirmative defenses arising from any applicable facts or law that may be revealed during discovery.

Relief Requested

WHEREFORE, the Applicant asks that this Opposition proceeding be dismissed forthwith.

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and

By: /Rick Ruz/
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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer to Notice of Opposition has been served on the following via email this 4th day of August 2015:

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