

**TTAB**

LAW OFFICES OF  
**SMITH, LANDMEIER & ELDERS, P.C.**

15 NORTH SECOND STREET  
P.O. BOX 127  
GENEVA, ILLINOIS  
60134-0127

ALLEN L. LANDMEIER  
VINCENT J. ELDERS

HOWARD E. SMITH, JR.  
OF COUNSEL

TEL: (630) 232-2880  
FAX: (630) 232-2889  
E-Mail: v\_elders@smithlandmeier.com

December 6, 2015

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, Virginia 22313-1451

**Re: Boulder Brands USA, Inc. v. ALDI Inc.**  
**Trademark: TRUBALANCE**  
**Serial No.: 86537556**  
**Opposition No.: 91224604**

Dear Sir/Madam:

Enclosed herewith please find an Answer to Notice of Opposition for the above proceeding. Would you please affix the Patent and Trademark Office date stamp to the enclosed self-addressed postcard and return it to us, evidencing receipt of the enclosed Answer.

Thank you.

Very truly yours,

SMITH, LANDMEIER & ELDERS, P.C.



Vincent J. Elders

Encs.



12-11-2015

U.S. Patent & TMO/c/TM Mail Rcpt Ct. #22

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

In the matter of trademark

Appl. Ser. No.: 86537556

For the mark: TRUBALANCE

Publication Date: June 30, 2015

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: **Boulder Brands USA, Inc.** :  
: **Opposer,** :  
: **v.** : **Opposition No. 91224604** :  
: **ALDI Inc.,** :  
: **Applicant.** :  
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United States Patent and Trademark Office  
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**ANSWER TO NOTICE OF OPPOSITION**

NOW COMES the Applicant, ALDI Inc., by its attorneys, Smith, Landmeier & Elders, P.C., and for its Answer to the Notice of Opposition filed herein, respectfully states as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 1 of the Notice of Opposition. Therefore, these allegations stand denied.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 2 of the Notice of Opposition. Therefore, these allegations stand denied.

3. Applicant admits the allegations in Paragraph 3 of the Notice of Opposition.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4 of the Notice of Opposition. Therefore, these allegations stand denied.
5. Applicant admits the allegations in Paragraph 5 of the Notice of Opposition
6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 6 of the Notice of Opposition. Therefore, these allegations stand denied.
7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 7 of the Notice of Opposition. Therefore, these allegations stand denied.
8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 8 of the Notice of Opposition. Therefore, these allegations stand denied.
9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 9 of the Notice of Opposition. Therefore, these allegations stand denied.
10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 10 of the Notice of Opposition. Therefore, these allegations stand denied.
11. Applicant admits the allegations in Paragraph 11 of the Notice of Opposition.

12. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 12 of the Notice of Opposition. Therefore, these allegations stand denied.

13. Except for EARTH BALANCE Reg. No. 4695921, Applicant admits that the BALANCE marks were registered prior to the Application filing date of the TRUBALANCE Application and any date of first use for the TRUBALANCE mark that can be claimed by Applicant. Applicant denies the remainder of the allegations in Paragraph 13 of the Notice of Opposition.

14. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 14 of the Notice of Opposition. Therefore, these allegations stand denied.

15. Applicant denies the allegations in Paragraph 15 of the Notice of Opposition.

#### **COUNT I**

16. Applicant incorporates by reference the preceding responses to the Notice of Opposition.

17. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 17 of the Notice of Opposition. Therefore, these allegations stand denied.

18. Applicant denies the allegations in Paragraph 18 of the Notice of Opposition.

#### **COUNT II**

19. Applicant incorporates by reference the preceding responses to the Notice of Opposition.

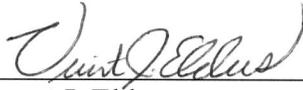
20. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 20 of the Notice of Opposition. Therefore, these allegations stand denied.

21. Applicant denies the allegations contained in Paragraph 21 of the Notice of Opposition.

WHEREFORE, Applicant prays that the Notice of Opposition filed herein be denied, that registration issue forthwith and that Applicant be granted such additional and further relief as the Board deems equitable and just.

ALDI Inc.

Dated: December 6, 2015

By:   
Vincent J. Elders  
SMITH, LANDMEIER & ELDERS, P.C.  
15 North Second Street  
P.O. Box 127  
Geneva, Illinois 60134-0127  
Telephone: 630-232-2880  
Facsimile: 630-232-2889  
*Attorney for ALDI Inc.*

**CERTIFICATE OF MAILING**

I hereby certify that this Answer to Notice of Opposition is being deposited with the United States Postal Service as first class mail in a prepaid envelope addressed to:

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O. Box 1451  
Alexandria, VA 22313-1451

on December 6, 2015.



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Vincent J. Elders

**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 Attorney of Record for Opposer, by mailing said copy on December 6, 2015, via United States first class mail, postage prepaid to:

Larry H. Tronco  
HOLLAND & HART LLP  
P.O. Box 8749  
Boulder, Colorado 80302



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Vincent J. Elders