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

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| Proceeding | 91225687 |
| Party | Defendant Jasmin C. Beckett |
| Correspondence Address | JASMIN C BECKETT 20 WENDELL ST HEMPSTEAD, NY 11550-1206 UNITED STATES consciouscookli@gmail.com |
| Submission | Answer |
| Filer's Name | Jasmin C. Beckett |
| Filer's e-mail | consciouscookli@gmail.com |
| Signature | /Jasmin C. Beckett/ |
| Date | 03/22/2016 |
| Attachments | jbanswer5.pdf(228824 bytes) |

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

In the Matter of:
Opposition No. 91225687
Application Serial No. 86588571
Published in the Official Gazette
August 25, 2015

Mary's Gone Crackers, Inc.,

ANNA E RAIMER
JONES DAY
717 TEXAS AVENUE SUITE 3300
HOUSTON, TX 77002

v.

JASMIN C BECKETT

20 WENDELL ST
HEMPSTEAD, NY 11550-1206

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant, Jasmine C. Beckett, for her answer to the Notice of Opposition filed by Mary's Gone Crackers, Inc. against application for registration of Ms. Beckett's trademark "CONSCIOUS COOK EAT BETTER FEEL BETTER LIVE BETTER & design, Serial No. 86588571 filed April 6, 2015, and published in the Official Gazette of August 25, 2015, pleads and avers as follows:

1. Answering paragraph 1 of the Notice of Opposition, does not have sufficient knowledge or information to form a belief as to the allegations contained therein.
2. Answering paragraph 2 of the Notice of Opposition, does not have sufficient knowledge or information to form a belief as to the allegations contained therein.

3. Answering paragraph 3 of the Notice of Opposition, does not have sufficient knowledge or information to form a belief as to the allegations contained therein.
4. Answering paragraph 4 of the Notice of Opposition, does not have sufficient knowledge or information to form a belief as to the allegations contained therein.
5. Answering paragraph 5 of the Notice of Opposition, Applicant admits the allegations thereof.
6. Answering paragraph 6 of the Notice of Opposition, Applicant admits the allegations thereof.
7. Answering paragraph 7 of the Notice of Opposition, Applicant admits the allegations thereof.
8. Answering paragraph 8 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein.
9. Answering paragraph 9 of the Notice of Opposition, Applicant admits the allegations thereof.

10. Answering paragraph 10 of the Notice of Opposition, Applicant denies each and every allegation contained therein.
11. Answering paragraph 11 of the Notice of Opposition, Applicant denies each and every allegation contained therein.
12. Answering paragraph 12 of the Notice of Opposition, does not have sufficient knowledge or information to form a belief as to the allegations contained therein.
13. Answering paragraph 13 of the Notice of Opposition, Applicant denies each and every allegation contained therein.
14. Answering paragraph 14 of the Notice of Opposition, Applicant admits the allegation that the proposed CONSCIOUS COOK EAT BETTER FEEL BETTER LIVE BETTER & design was first used in interstate commerce by Applicant at least as early as October 14, 2014, and that the mark was currently in use for all of the goods set forth in the Application. Applicant denies the allegation that no valid use in interstate commerce was made for the goods set forth in the Application as of the Application filing date.
15. Answering paragraph 15 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

16. Applicant further affirmatively alleges Opposer fails to state a claim upon which relief can be granted

17. Applicant further affirmatively alleges that as a result of its continuous substantial usage of its mark “CONSCIOUS COOK EAT BETTER FEEL BETTER LIVE BETTER & Design” since adoption, this mark is a valuable asset of Applicant and carries considerable goodwill and consumer acceptance of its products sold under the mark. Such goodwill and usage has made the mark distinctive to the Applicant.

18. Applicant further affirmatively alleges that there is no likelihood of confusion, mistake or deception because, Applicant’s mark and the pleaded mark of Opposer are not confusingly similar.

19. Applicant further affirmatively alleges that there is no likelihood of confusion, mistake or deception because, Applicant’s mark and the pleaded mark of Opposer are not confusingly similar. Any similarity, if at all, between Applicant’s mark and the pleaded marks of Opposer is in the portion “CONSCIOUS” which is not distinctive and upon information and belief, has been used and registered by numerous third parties in the health foods, health service, health beverage business. As a result, Opposer cannot base any similarity between its pleaded mark and the mark of Applicant. Any trademark or service mark rights that Opposer may have are narrowly circumscribed to the goods or services indicated and any other use would not lead to a likelihood of confusion.

20. Applicant further affirmatively alleges that Opposer's "CONSCIOUS" is or has become generic for aware, mindful, sensible concerning health and therefore cannot have meaning as a trademark.

21. Applicant further affirmatively alleges there is no likelihood of confusion because Opposer's and Applicant's marks are not sufficiently similar: there are, upon information and belief, numerous uses and registrations of third party marks with the "CONSCIOUS" formative; neither Applicant nor Applicant's predecessors interest intended any association with Opposer's marks or any of them; an upon information and belief; ordinary prospective purchasers of Applicant's products do not associate Applicant's and Opposer's marks.

In view of the above, Applicant respectfully request that the notice of opposition be dismissed and that Application Serial No. 86588571 be granted registration.

Respectfully Submitted

By: /Jasmin C. Beckett/

Jasmin C. Beckett

20 WENDELL ST
HEMPSTEAD, NY 11550-1206

I hereby certify that a true and complete copy of the foregoing Answer to Notice of Opposition has been served on Anna E. Raimer attorney for Opposer by mailing said copy on 3/22/2016 via First Class Mail, postage prepaid to:

Anna E. Raimer
Jones Day
717 Texas Avenue, Suite 3300
Houston, TX 77002

/Jasmin C. Beckett/

Jasmin C. Beckett