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

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| Proceeding | 91226778 |
| Party | Defendant Rocha, Joseph |
| Correspondence Address | LAURA HAYES Mullin Russ Kilejian Pc 2425 N Central Expy Ste 200 Richardson, TX 75080-2700 tmattorney@mrkpc.com |
| Submission | Answer |
| Filer's Name | Sophilia Wu |
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| Signature | /Sophilia Wu/ |
| Date | 04/18/2016 |
| Attachments | 20160418 Answer to Opposition.pdf(164703 bytes) |

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

WHOLE FOODS MARKET IP, L.P.,

Opposer,

vs.

JOSEPH ROCHA,

Applicant.

OPPOSITION NO.: 91226778

Application Serial No. 86/666,613

ANSWER

Joseph Rocha (“Applicant”), through his undersigned attorney, hereby sets forth his Answer to the Notice of Opposition against Application Serial No. 86/666,613 for registration of the mark AVO365, as follows:

1. Applicant lacks sufficient knowledge or information sufficient to form a belief about the allegations set forth in Paragraph 1 of the Notice of Opposition and, therefore, denies the same.
2. Applicant lacks sufficient knowledge or information sufficient to form a belief about the allegations set forth in Paragraph 2 of the Notice of Opposition and, therefore, denies the same.
3. Applicant lacks sufficient knowledge or information sufficient to form a belief about the allegations set forth in Paragraph 3 of the Notice of Opposition and, therefore, denies the same.
4. Applicant lacks sufficient knowledge or information sufficient to form a belief about the allegations set forth in Paragraph 4 of the Notice of Opposition and, therefore, denies the same.
5. Applicant admits that Opposer is the owner of U.S. Reg. 2,062,177; 2,864,719; 3,066,319; 3,081,074; 3,098,711; 3,098,712; 3,151,177; 3,318,923; 3,543,922; 3,543,923; 3,663,962; and 4,094,216. Applicant denies the remaining allegations set forth in Paragraph 5 of the Notice of Opposition.
6. Applicant admits the allegations set forth in Paragraph 6 of the Notice of Opposition.

7. Applicant admits the allegations set forth in Paragraph 7 of the Notice of Opposition.
8. Applicant lacks sufficient knowledge or information sufficient to form a belief about the allegations set forth in Paragraph 8 of the Notice of Opposition and, therefore, denies the same.
9. Applicant denies the allegations set forth in Paragraph 9 of the Notice of Opposition.
10. Applicant denies that he is required to obtain Opposer's permission to use his proprietary and distinctive AVO365 mark, but admits that no permission was obtained from Opposer.
11. Applicant denies the allegations set forth in Paragraph 11 of the Notice of Opposition.
12. Applicant denies the allegations set forth in Paragraph 12 of the Notice of Opposition.

WHEREFORE, PREMISES CONSIDERED, Applicant, Joseph Rocha, prays that the Notice of Opposition and the relief sought by Opposer Whole Foods Market IP, L.P. thereunder be denied and judgment rendered in favor of Applicant.

Respectfully submitted,

/s/ Sophilia Wu
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CERTIFICATE OF SERVICE

I hereby certify that on April 18, 2016 a true and correct copy of the foregoing document was served on Opposer's counsel at the following address:

First Class Mail

Wendy C. Larson
S. Erik Combs IV
PIRKEY BARBER PLLC
600 Congress Avenue, Suite 2120
Austin, Texas 78701
Counsel for Opposer

/s/ Sophilia Wu _____

Sophilia Wu