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

Proceeding	91228138
Party	Defendant WikiFoods, Inc.
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Date	07/06/2016
Attachments	Answer - WikiFoods.pdf(111139 bytes )

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

Edible Arrangements, LLC	)	
	)	
Opposer,	)	Opposition No. 91228138
	)	
v.	)	Application No. 86/977479
	)	
WikiFoods, Inc.,	)	
	)	
Applicant.	)	Attorney Docket No. 960108.805
_____	)	

**APPLICANT WIKIFOODS, INC.’S**  
**ANSWER TO NOTICE OF OPPOSITION**

Applicant WikiFoods, Inc. (“WikiFoods” or “Applicant”), by and through its attorneys, hereby answers the Notice of Opposition filed by Opposer Edible Arrangements, LLC (hereinafter “Edible Arrangements” or “Opposer”), as follows:

1. Based on information and belief Applicant admits Opposer is a Connecticut limited liability company with a place of business located at 95 Barnes Road, Wallingford, CT 06492.
2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 2 and on that basis denies them.
3. The records of the U.S. Trademark Office speak for themselves with regards to U.S. Registrations 3141566, 2934715, 3844161, 3844160, 2356362, 4328107, 4471794, 4300422, 4068508, 3545605, 3654276 and 4319940. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations of paragraph 3 and on that basis denies them.

4. The records of the U.S. Trademark Office speak for themselves with regards to U.S. Registrations 3141566, 2934715, 3844161, 3844160, 2356362, 4328107, 4471794, 4300422, 4068508, 3545605, 3654276 and 4319940.

5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 5 and on that basis denies them.

6. The record of the U.S. Trademark Office speaks for itself with regards to U.S. Trademark Application No. 86/977479.

7. The record of the U.S. Trademark Office speaks for itself with regards to U.S. Trademark Application No. 86/977479.

8. Paragraph 8 requires no response.

9. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9 and on that basis denies them.

10. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 10 and on that basis denies them.

11. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 11 and on that basis denies them.

12. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 12 and on that basis denies them.

13. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 13 and on that basis denies them.

14. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 14 and on that basis denies them.

15. Applicant denies the allegations of paragraph 15.

**COUNT I: Likelihood of Confusion**

16. Paragraph 16 requires no response.

17. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 17 and on that basis denies them.

18. Applicant denies the allegations of paragraph 18.
19. Applicant denies the allegations of paragraph 19.
20. Applicant denies the allegations of paragraph 20.
21. Applicant denies the allegations of paragraph 21.

**COUNT II: Dilution**

22. Paragraph 22 requires no response.
23. Applicant denies the allegations of paragraph 23.
24. Applicant denies the allegations of paragraph 24.

**AFFIRMATIVE DEFENSES**

1. To the extent Opposer can establish exclusive rights in its alleged EDIBLE ARRANGEMENTS mark and other marks comprising EDIBLE that are senior to all of Applicant's right in INCREDIBLE, there is no likelihood of confusion.

2. To the extent Opposer can establish exclusive rights in its alleged EDIBLE ARRANGEMENTS mark and other marks comprising EDIBLE, such marks are weak and entitled to only a narrow scope of protection.

**PRAYER FOR RELIEF**

WHEREFORE, Applicant requests judgment in its favor, dismissing Opposer's Notice of Opposition and allowing Applicant's application to proceed to registration.

DATED this 6th day of July, 2016.

Respectfully submitted,  
SEED IP Law Group PLLC

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Attorney for Petitioner WikiFoods, Inc.

**Certificate of Service**

I hereby certify that on this 6th day of July, 2016, the foregoing **Applicant Wikifoods, Inc.’s Answer to Notice of Opposition** was served upon Opposer’s counsel by email and United States first-class mail, postage-prepaid, addressed as follows:

Susan Daly Stearns, Esq.  
Intellectual Property and Brand Counsel  
Edible Arrangements, LLC  
95 Barnes Road  
Wallingford, CT 06492  
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*/Anne Calico/*

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