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

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| Proceeding | 91189815 |
| Party | Defendant Princeton Vanguard, LLC |
| Correspondence Address | STEPHEN J. MEYERS WOODCOCK WASHBURN LLP 2929 ARCH STREET CIRA CENTRE, 12TH FLOOR PHILADELPHIA, PA 19104-2819 trademarks@woodcock.com |
| Submission | Answer |
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| Signature | /Stephen J. Meyers/ |
| Date | 06/01/2009 |
| Attachments | Answer to NOP of Frito-Lay 6_1.pdf (4 pages)(15972 bytes) |

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
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| <p>FRITO-LAY NORTH AMERICA, INC.</p> <p style="text-align: center;">Opposer,</p> <p style="text-align: center;">v.</p> <p>PRINCETON VANGUARD, L.L.C.</p> <p style="text-align: center;">Applicant.</p> | <p>In the Matter of Application Serial No. 77505420 Pretzel Cracker Product Configuration</p> <p>Published in the Official Gazette on October 21, 2008</p> <p>Opposition No.: 91189815</p> |
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ANSWER

As and for its answer to the Notice of Opposition filed by Frito-Lay North America, Inc. (“opposer”) against Princeton Vanguard LLC’s (“applicant”) application for registration, Serial No. 77505420, for a pretzel cracker product configuration (“design”), applicant answers as follows:

1.-3. Applicant lacks sufficient information to form a belief as to the truth of the allegations in paragraphs 1, 2 and 3 and so denies same and puts opposer to its proof thereof.

4. Opposer’s characterization of the image accompanying paragraph 4 is a legal conclusion as to which no answer is required and is denied.

5. Admitted.

6. Denied that applicant seeks to protect the shape of a pretzel. The identification of goods in its application Serial No. 77505420 is for “a pretzel cracker product configuration”.

7.-9. Opposer’s assertions in paragraphs 7 through 9 are legal conclusions as to which no answers are required and are denied.

10. Admitted in part and denied in part. Admitted that registration of its mark on the Principal Register would afford *prima facie* exclusive rights to applicant to use the mark. Denied as to the remaining allegations in paragraph 10.

11. Denied.

12.-13. Opposer's assertions in paragraphs 12 or 13 are legal conclusions as to which no answer is required and are denied.

AFFIRMATIVE DEFENSES

EQUITABLE DEFENSES

1. Opposer's claims are barred by laches, waiver, or estoppel.

STANDING

2. Opposer lacks standing to oppose applicant's application Serial No. 77505420 as ineligible for registration on the Principal Register.

DISTINCTIVENESS

3. Applicant's mark has acquired distinctiveness through its wide renown and exclusive association with applicant as a result of substantial sales and extensive advertising and promotion of applicant's design.

WHEREFORE, applicant requests that this opposition to application Serial no. 77402509 to be dismissed and that applicant's application be permitted to pass to registration.

Respectfully submitted,

Date: June 1, 2004

PRINCETON VANGUARD, LLC

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CERTIFICATE OF SERVICE

I, hereby certify that a true copy of the following Answer was served on counsel for opposer, this 1st day of June, 2009, by sending it First Class mail, postage, prepaid, to the following address:

Jeanette S. Zimmer
Frito-Lay North America, Inc.
7701 Legacy Drive
Mail Stop 3A-421
Plano, Texas 75024

By: /Stephen J. Meyers/
Stephen J. Meyers