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Filing date: **12/28/2009**

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

Proceeding	91192802
Party	Defendant IDAHOAN FOODS, LLC
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Submission	Answer
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Date	12/28/2009
Attachments	Answer 77977365.pdf ( 4 pages )(79650 bytes )

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

Serial No. 77/977,365  
Mark: HONEST EARTH  
Applicant: Idahoan Foods, LLC  
Filing Date: December 10, 2007  
Published: July 28, 2009

HONEST TEA, INC.	)	
	)	
Opposer,	)	Opposition No. 91192802
	)	
v.	)	
	)	
IDAHOAN FOODS, LLC	)	
	)	
Applicant.	)	
	)	

**ANSWER TO NOTICE OF OPPOSITION**

Applicant, Idahoan Foods, LLC, by its attorneys of record, hereby submits this answer to Notice of Opposition filed by Honest Tea, Inc. against Application Serial No. 77/977,365 filed on December 10, 2007 for the mark HONEST EARTH, and published July 28, 2009, for use with “instant potatoes; processed potatoes; dehydrated potatoes,” in International Class 29, and pleads as follows:

1. Applicant lacks sufficient information to admit or deny the averments in paragraph 1 and, therefore, denies the same.
2. Applicant lacks sufficient information to admit or deny the averments in paragraph 2 and, therefore, denies the same.
3. Applicant lacks sufficient information to admit or deny the averments in paragraph 3 and, therefore, denies the same.

4. Applicant lacks sufficient information to admit or deny the averments in paragraph 4 and, therefore, denies the same.

5. Applicant lacks sufficient information to admit or deny the averments in paragraph 5 and, therefore, denies the same.

6. Applicant lacks sufficient information to admit or deny the averments in paragraph 6 and, therefore, denies the same.

7. Applicant denies the averments in paragraph 7.

8. Applicant admits the averments in paragraph 8, except Applicant denies any averment relative to any date of first use of Opposer's marks.

9. Applicant denies the averments in paragraph 9, and asserts that Applicant's mark is in use with its goods since at least as early as May 31, 2008, as stated of record in the trademark application.

10. Applicant lacks sufficient information to admit or deny the averments in paragraph 10 and, therefore, denies the same.

11. Applicant denies the averments in paragraph 11.

12. Applicant denies the averments in paragraph 12.

13. Applicant lacks sufficient information to admit or deny the averments in paragraph 13 and, therefore, denies the same.

14. Applicant denies the averments in paragraph 14.

15. Applicant denies the averments in paragraph 15.

16. Applicant lacks sufficient information to admit or deny the averments in paragraph 16 and, therefore, denies the same.

17. Applicant denies any other averments in the Opposition not specifically addressed above.

In view of the foregoing, Applicant submits that this opposition is groundless and baseless in fact and that Opposer has not shown that it has been, will or is likely to be damaged by Applicant's registration and continued use of Applicant's mark with the goods for which registration is sought.

Respectfully submitted,

IDAHOAN FOODS, LLC

Dated December 28, 2009

By



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Attorneys for Applicant


**CERTIFICATE OF SERVICE**

I hereby certify that the foregoing **ANSWER TO NOTICE OF OPPOSITION** has served via email and U.S. Mail on this 28<sup>th</sup> day of December, 2009, upon:

Email: hdietrick@goodwinprocter.com

Mail: Heather Dietrick, Esq.  
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Dated December 28, 2009

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