

ESTTA Tracking number: **ESTTA529316**

Filing date: **03/28/2013**

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

Proceeding	91209478
Party	Defendant Molkerei Alois M��ller GmbH & Co. KG
Correspondence Address	JAMES R. MEYER SCHNADER HARRISON SEGAL & LEWIS LLP 1600 MARKET ST STE 3600 PHILADELPHIA, PA 19103-7286 trademarks@schnader.com
Submission	Answer
Filer's Name	James R. Meyer, Esq.
Filer's e-mail	trademarks@schnader.com
Signature	/James R. Meyer/
Date	03/28/2013
Attachments	Andros Answer.pdf (4 pages)(184238 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
Before the Trademark Trial and Appeal Board**

Opposition No. 91209478
IN RE: Application Nos. 85569265 and 85569298
Trademarks: frütUp & Design



müller frütUp & Design



Opposer: Andros
Applicant: Molkerei Alois Mueller GmbH & Co. KG
Attorney Docket No: 3011696-0005

ANSWER TO NOTICE OF OPPOSITION

Commissioner for Trademarks
Alexandria, VA 22313-1451

Dear Sir or Madam:

Applicant answers the Notice of Opposition as follows.

1. Denied that the mark of the application is “FRUT UP”; otherwise admitted.

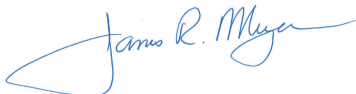
2. Denied that the mark of the application is “Muller FRUT UP”; otherwise admitted.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment and therefore denies same.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment and therefore denies same.
5. Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment and therefore denies same.
6. Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment and therefore denies same.
7. Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment and therefore denies same.
8. Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment and therefore denies same.
9. Denied
10. Denied.

11. Denied.

WHEREFORE, Opposer requests that this opposition be dismissed.

Respectfully submitted,

SCHNADER HARRISON SEGAL & LEWIS LL



Dated: March 28, 2013

By:

James R. Meyer
1600 Market Street, Suite 3600
Philadelphia, PA 19103
(215) 751-2622 (voice)
trademarks@schnader.com (e-mail authorized)

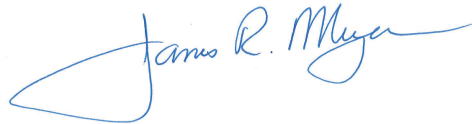
ATTORNEYS FOR APPLICANT

Certification Under 37 CFR 1.8

I hereby certify that this paper is being deposited with the United States Postal Service with sufficient postage as first-class mail under 37 CFR 1.8 on the date indicated below addressed to:

Julie B. Seyler, Esq.
Abelman, Frayne & Schwab
666 Third Ave.
NYC, NY 10017

An additional copy is being sent by e-mail to Ms. Seyler at JBSeyler@lawabel.com.



Dated: March 28, 2013

JAMES R. MEYER