

ESTTA Tracking number: **ESTTA564351**

Filing date: **10/10/2013**

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

Proceeding	91211414
Party	Defendant Purepharma ApS
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Submission	Answer
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Date	10/10/2013
Attachments	Applicants Answer Opposition 91211414.pdf(61956 bytes)

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

In the Matter of Trademark Application Ser. No. 79/124353

Mark: **PURE♥PHARMA**

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PURAPHARM INTERNATIONAL (H.K.) LIMITED,)	
Opposer,)	Opposition No. 91211414
)	
v.)	
)	
PUREPHARMA APS,)	
Applicant.)	
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APPLICANT’S ANSWER TO OPPOSER’S NOTICE OF OPPOSITION

Applicant, for its answer to the Notice of Opposition against Serial No. 79/124353, pleads and avers as follows:

1. Answering Paragraph 1 of the Notice of Opposition, Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and therefore denies each and every allegation contained in Paragraph 1, leaving Opposer to its strict proof at trial.

2. Applicant admits the allegations of Paragraph 2.
3. Answering Paragraph 3 of the Notice of Opposition, Applicant admits that the description of goods for Serial Number 79124353 set forth in Paragraph 3 correctly reflects the information in the USPTO records for the application as filed. Applicant denies each and every remaining allegation of Paragraph 3, instead affirmatively averring that effective October 30, 2012, it was granted International Registration Number 1145576, for the mark that is the subject of this opposition; said International Registration was based on a national application filed in Denmark on May 1, 2012, which basic application formed the basis of a priority claim under the Paris Convention; application 1145576 for International Registration included the United States as an initial designation for extension of protection, from which an application ultimately was transmitted to the USPTO on or about January 31, 2013 and created as Serial Number 79124353.
4. Answering Paragraph 4 of the Notice of Opposition, Applicant admits that during the course of examination of Application Serial Number 79124353, it entered in the application a disclaimer of exclusive rights in “pharma.” Applicant denies each and every remaining allegation of Paragraph 4.
5. Answering Paragraph 5 of the Notice of Opposition, Applicant admits that the description of goods for Serial Number 79124353 set forth in Paragraph 5 correctly reflects the information in the USPTO records for the goods in the application as amended. Applicant denies each and every remaining allegation of Paragraph 5.

6. Answering Paragraph 6 of the Notice of Opposition, Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 6, and therefore denies each and every allegation contained therein, leaving Opposer to its strict proof at trial.

7. Answering Paragraph 7 of the Notice of Opposition, Applicant admits that attached to the Notice of Opposition is a document identified as Exhibit 1 that purports to be a print out of an excerpt from the USPTO trademark TSDR database for Registration No. 2639990. As to the remaining allegations in Paragraph 7, Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and therefore denies each and every remaining allegation contained in Paragraph 7, leaving Opposer to its strict proof at trial.

8. Answering Paragraph 8 of the Notice of Opposition, Applicant hereby repeats and incorporates herein each and every one of its respective responses to the preceding Paragraphs 1 through 7.

9. Answering Paragraph 9 of the Notice of Opposition, Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and therefore denies each and every allegation contained in Paragraph 9, leaving Opposer to its strict proof at trial.

10. Answering Paragraph 10 of the Notice of Opposition, Applicant denies each and every allegation contained in Paragraph 10 and demands that Opposer provide specific proof thereof.

11. Answering Paragraph 11 of the Notice of Opposition, Applicant denies each and every allegation contained in Paragraph 11 and demands that Opposer provide specific proof thereof.

12. Answering Paragraph 12 of the Notice of Opposition, Applicant hereby repeats and incorporates herein each and every one of its respective responses to the preceding Paragraphs 1 through 7.

13. Answering Paragraph 13 of the Notice of Opposition, Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained therein, and therefore denies each and every allegation contained in Paragraph 13, leaving Opposer to its strict proof at trial.

14. Answering Paragraph 14 of the Notice of Opposition, Applicant denies each and every allegation contained in Paragraph 14 and demands that Opposer provide specific proof thereof.

15. Answering Paragraph 15 of the Notice of Opposition, Applicant denies each and every allegation contained in Paragraph 15 and demands that Opposer provide specific proof thereof.

AFFIRMATIVE DEFENSE

No damage or injury has resulted, will result, or is likely to result to Opposer from registration of Applicant's mark due to, among other factors, the weakness of the component terms in the marks, the differences between the marks, the distinct and different trade channels, promotional channels, and customer bases of the respective

parties and their products, and the significant differences in the overall nature and essential characteristics, uses, and purposes of the parties' respective products.

WHEREFORE, Applicant prays that this opposition be dismissed, that its application proceed to registration, and for such other and further relief as may be deemed appropriate.

October 10, 2013



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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANT'S ANSWER TO OPPOSER'S NOTICE OF OPPOSITION has been served this 10th day of October 2013 by email transmission, per agreement of the parties' counsel, sent to Melissa S. Rizzo, Attorney for Opposer, at melissa.rizzo@arlaw.com and trademarks@arlaw.com .

Barbara A. Friedman

October 10, 2013