

ESTTA Tracking number: **ESTTA816277**

Filing date: **04/23/2017**

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

Proceeding	91221928
Party	Defendant Ryan Owen
Correspondence Address	RYAN OWEN 2227 REXFORD ROAD, UNIT D CHARLOTTE, NC 28211 UNITED STATES
Submission	Answer
Filer's Name	Owen Ryan
Filer's e-mail	owenryan@yahoo.com
Signature	/Owen Ryan/
Date	04/23/2017
Attachments	APPLIC- ANTS_Answer_To_AMENDED-NOTICE-OF-OPPOSITION_No._91221928_PA RENT_of_Cancellation-No.-92062086_4232017.PDF(96239 bytes) Respond- ent_Answer_To_AMENDED-PETITION-TO-CANCEL_Cancellation-No.-920620 86__Child-of-Parent-OPPOSITION_No.-91221928.PDF(93319 bytes)

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

In the matter of:

VDF FUTURECEUTICALS, INC.,
Opposer,

Opposition No. 91221928 (Parent)

v.

OWEN RYAN,
Applicant (Pro Se).

Cancellation No. 92062086

APPLICANT'S ANSWERS TO AMENDED NOTICE OF OPPOSITION

Owen Ryan, hereinafter "Applicant," hereby answers the Amended Notice Of Opposition ("Notice") filed by VDF FUTURECEUTICALS, INC, hereinafter "Opposer," as follows:

Applicant denies the allegation in the unnumbered introductory paragraph of Opposer's Amended Notice Of Opposition, which states that Opposer believes that it will be damaged by the registration of VITAMIN BLUE, Application Serial No. 86/182,052 in International Class 32, ("Applicant's Mark")

**Applicant's Answer's To Opposer's Stated
Grounds For Opposition.**

In response to the individually numbered paragraphs of the Notice, Applicant responds as follows:

1. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 1 of the Notice, and on that basis denies each and every allegation contained therein.
2. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 2 of the Notice, and on that basis denies each and every allegation contained therein.
3. Applicant admits the allegations of Paragraph 3 of the Notice
4. Applicant admits the allegations of Paragraph 4 of the Notice
5. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 5 of the Notice, and on that basis denies each and every allegation contained therein.
6. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 6 of the Notice, and on that basis denies each allegation contained therein.
7. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 7 of the Notice, and on that basis denies each and every allegation contained therein.
8. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 8 of the

- Notice, and on that basis denies each and every allegation contained therein.
9. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 9 of the Notice, and on that basis denies each and every allegation contained therein.
 10. Applicant denies each and every allegation of Paragraph 10 of the Notice.
 11. Applicant admits it seeks to register the trademark VITAMIN BLUE for “non-alcoholic beverages, namely soft drinks and fruit juices containing vitamins” in International Class 32. Applicant denies other allegations in Paragraph 11 of the Notice.
 12. Applicant admits the allegations of Paragraph 12 of the Notice
 13. Applicant admits the allegations of Paragraph 13 of the Notice
 14. Applicant admits the allegations of Paragraph 14 of the Notice
 15. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 15 of the Notice, and on that basis denies each and every allegation contained therein.
 16. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 16 of the Notice, and on that basis denies each and every allegation contained therein.

17. Applicant denies each and every allegation of Paragraph 17 of the Notice

**Claim I: Likelihood Of Confusion
Under Sec 2(d) of the Trademark Act.**

18. Applicant repeats and realleges its responses to allegations in Paragraphs 1 thru 17, above, and fully incorporates them by reference herein as if fully restated in this paragraph.

19. Applicant denies each and every allegation of Paragraph 19 of the Notice.

20. Applicant denies each and every allegation of Paragraph 20 of the Notice.

21. Applicant denies each and every allegation of Paragraph 21 of the Notice.

22. Applicant denies each and every allegation of Paragraph 22 of the Notice.

23. Applicant denies each and every allegation of Paragraph 23 of the Notice.

Claim II: Non-Use and False Declaration.

24. Applicant repeats and realleges its responses to allegations in Paragraphs 1 thru 23 of this Notice, above, and fully incorporates them by reference herein as if fully restated in this paragraph. Additionally, as regards to any of Opposer's allegations of False Declaration which

follows, Applicant states that such allegations are void having not been accepted by the Board, and as such they are denied.

25. Applicant admits the allegations of Paragraph 25 of the Notice
26. Applicant denies the allegation of Paragraph 26 of the Notice.
27. Applicant denies the allegation of Paragraph 27 of the Notice.
28. Applicant denies the allegation of Paragraph 28 of the Notice.
29. Applicant denies the allegation of Paragraph 29 of the Notice.
30. Applicant admits that the quoted reference from Trademark Rule 2.38 in paragraph 30 is accurate. Further, Applicant states, as regards to any of Opposer's allegations of False Declaration, that such allegations are void having not been accepted by the Board, and as such they are denied.
31. Applicant admits the allegations of Paragraph 31 of the Notice
32. Applicant denies the allegation of Paragraph 32 of the Notice. Further, Applicant states, as regards to any of Opposer's allegations of False Declaration, that such allegations are void having not been accepted by the Board, and as such they are denied.
33. Applicant denies the allegation of Paragraph 33 of the Notice. Further, Applicant states, as regards to any of Opposer's allegations of False Declaration, that such allegations are void having not been accepted by the Board, and as such they are denied.
34. Applicant denies the allegation of Paragraph 34 of the Notice. Further, Applicant states, as regards to any of Opposer's allegations of

False Declaration, that such allegations are void having not been accepted by the Board, and as such they are denied.

Claim III: Myung Sook Kim is not the Proper Applicant and therefore Application No. 86/182,052 is Void *Ab Inito*.

35. Applicant repeats and realleges its responses to allegations in Paragraphs 1 thru 34 of this Notice, above, and fully incorporates them by reference herein as if fully restated in this paragraph. Additionally, as regards to any of Opposer's allegations of False Declaration which follows, Applicant states that such allegations are void having not been accepted by the Board, and as such they are denied.
36. Applicant denies the allegation of Paragraph 36 of the Notice. Further, Applicant states, as regards to any of Opposer's allegations of False Declaration, that such allegations are void having not been accepted by the Board, and as such they are denied.
37. Applicant denies the allegation of Paragraph 37 of the Notice. Further, Applicant states, as regards to any of Opposer's allegations of False Declaration, that such allegations are void having not been accepted by the Board, and as such they are denied.
38. Applicant denies the allegation of Paragraph 38 of the Notice. Further, Applicant states, as regards to any of Opposer's allegations of False Declaration, that such allegations are void having not been accepted by the Board, and as such they are denied.

Wherefore, Applicant respectfully prays that the Board dismiss Opposer's Notice of Opposition regarding Applicant's U.S Trademark Application Serial No. 86/182,052 ("Vitamin Blue" for yogurt drinks and snack foods") within its jurisdiction, power and discretion, and as the law allows. Thank you.

Dated: April 22, 2017

Owen Ryan, Applicant (Pro Se)

A handwritten signature in blue ink that reads "Owen Ryan". The signature is written in a cursive style with a large, stylized "O" and "R".

By //Owen Ryan// _____

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

In the matter of Application Serial No. 86/182,052

Filed February 2, 2014

For the mark: VITAMIN BLUE

Published in the Trademark Office Official Gazette on January 13, 2015

VDF FUTURECEUTICALS, INC.,
Opposer,

Opposition No. 91221928 (Parent)

v.

OWEN RYAN,
Applicant (Pro Se).

Cancellation No. 92062086

CERTIFICATE OF SERVICE

I certify that on April 23, 2017, I caused one true and correct copy of the foregoing document, APPLICANT'S ANSWERS TO AMENDED NOTICE OF OPPOSITION, to be served by United States Postal Service, first-class mail postage prepaid, upon: Steven R. Baird and Tiffany A. Blofield, Winthrop & Weinstine, P.A., 255 South Sixth Street, Suite 3500, Minneapolis, MN 55402

And, also, notification by ESTTA to Tiffany Blofield at TBlofield@winthrop.com

By:

/Owen Ryan/ Owen Ryan, Applicant (Pro Se)



CERTIFICATE OF FILING TO TTAB

This certifies that the forgoing Brief is being electronically filed with the United States Postal Service by ESTTA on April 23, 2017.



/Owen Ryan/ Applicant, (Pro Se)

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

In the matter of:

VDF FUTURECEUTICALS, INC.,
Petitioner,

Opposition No. 91221928 (Parent)

v.

OWEN RYAN,
Respondent (Pro Se).

Cancellation No. 92062086

**RESPONDENT'S ANSWERS TO AMENDED PETITION FOR
CANCELLATION**

Owen Ryan, hereinafter "Respondent," hereby answers the Amended Petition for Cancellation ("Petition") filed by VDF FUTURECEUTICALS, INC, hereinafter "Petitioner," as follows:

Respondent denies the allegation in the unnumbered introductory paragraph of Petitioner's Amended Petition for Cancellation, which states that Petitioner believes that it is, and will continue to be damaged by the registration of VITAMIN BLUE ("Respondent's Mark" U.S. Registration No. 4,148,801) on the Principal Register of the United States Patent & Trademark Office, and Petitioner petitioned to cancel the same pursuant to the provisions of the Lanham Act § 2(a), 15 U.S.C. § 1052(d), and Lanham Act § 14, 15 U.S.C. 1064. Additionally, as

regards to any of Petitioner's allegations of False Declaration which follows, Respondent states that such allegations are void having not been accepted by the Board, and as such they are denied.

**Respondent's Answer's To Petitioner's Stated
Grounds For Cancellation.**

In response to the individually numbered paragraphs of the Petition, Respondent responds as follows:

1. Respondent is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 1 of the Petition, and on that basis denies each and every allegation contained therein.
2. Respondent is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 2 of the Petition, and on that basis denies each and every allegation contained therein.
3. Respondent is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 3 of the Petition, and on that basis denies each and every allegation contained therein.
4. Respondent admits the allegations of Paragraph 4 of the Petition
5. Respondent admits the allegations of Paragraph 5 of the Petition
6. Respondent admits the allegations of Paragraph 6 of the Petition

7. Respondent is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 7 of the Petition, and on that basis denies each and every allegation contained therein.
8. Respondent is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 8 of the Petition, and on that basis denies each and every allegation contained therein.
9. Respondent is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 9 of the Petition, and on that basis denies each and every allegation contained therein.
10. Respondent is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 10 of the Petition, and on that basis denies each and every allegation contained therein.
11. Respondent is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 11 of the Petition, and on that basis denies each and every allegation contained therein.
12. Respondent is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 12 of the Petition, and on that basis denies each and every allegation contained therein.

13. Respondent denies each and every allegation of Paragraph 13 of the Petition.

14. Respondent denies each and every allegation of Paragraph 14 of the Petition.

15. Respondent admits the allegations of Paragraph 15 of the Petition.

16. Respondent admits the allegations of Paragraph 16 of the Petition.

17. Respondent admits the allegations of Paragraph 17 of the Petition.

18. Respondent admits the allegations of Paragraph 18 of the Petition.

19. Respondent admits the allegations of Paragraph 19 of the Petition.

20. Respondent admits the allegations of Paragraph 20 of the Petition.

21. Respondent admits the allegations of Paragraph 21 of the Petition.

22. Respondent is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 22 of the Petition, and on that basis denies each and every allegation contained therein.

23. Respondent is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 23 of the Petition, and on that basis denies each and every allegation contained therein.

24. Respondent is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 24 of the Petition, and on that basis denies each and every allegation contained therein.

Respondent's Answers to Petitioner's Claim 1:

Likelihood of Confusion under Sec. 2(d) of the Trademark Act.

25. Respondent repeats its answers to said allegations in 1-24, above, and fully incorporates them by reference herein as if fully restated in this paragraph.

26. Respondent denies each and every allegation of Paragraph 26 of the Petition.

27. Respondent denies each and every allegation of Paragraph 27 of the Petition.

28. Respondent denies each and every allegation of Paragraph 28 of the Petition.

29. Respondent is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 29 of the Petition, and on that basis denies each and every allegation contained therein.

30. Respondent is without sufficient knowledge or information to form a belief as to the truth of the allegations contained in Paragraph 30 of the Petition, and on that basis denies each and every allegation contained therein.

31. Respondent denies each and every allegation of Paragraph 31 of the Petition.

32. Respondent denies each and every allegation of Paragraph 32 of the Petition.

33. Respondent denies each and every allegation of Paragraph 33 of the Petition.

34. Respondent denies each and every allegation of Paragraph 34 of the petition.

**RESPONDENT'S ANSWERS TO PETITIONER'S CLAIM II OF
NON-USE AND FALSE DECLARATION.**

35. Respondent repeats in full the answers to every allegation contained in paragraphs 1-34, above, as if fully recited in this paragraph. Further as to any of Petitioner's allegations regarding False Declaration which follows, Respondent states that such allegations are void having not been accepted by the Board and as such they are denied.

36. Respondent denies the allegations in Paragraph 36 of the Petition. Further, pertaining to any of Petitioner's allegations regarding False Declaration, Respondent states that such allegations are void having not been accepted by the Board and as such they are denied.

37. Respondent denies the allegation in Paragraph 37 of the Petition. Further, pertaining to any of Petitioner's allegations regarding False Declaration, Respondent states that such allegations are void having not been accepted by the Board and as such they are denied.

38. Respondent denies the allegation of Paragraph 38 of the Petition. Further, pertaining to any of Petitioner's allegations regarding False Declaration,

Respondent states that such allegations are void having not been accepted by the Board and as such they are denied.

39. Respondent denies the allegations of Paragraph 39 of the Petition. Further, pertaining to any of Petitioner's allegations regarding False Declaration, Respondent states that such allegations are void having not been accepted by the Board and as such they are denied.

40. Respondent denies the allegations of Paragraph 40 of the Petition. Further, pertaining to any of Petitioner's allegations regarding False Declaration, Respondent states that such allegations are void having not been accepted by the Board and as such they are denied.

41. Respondent denies the allegations of Paragraph 41 of the Petition. Further, pertaining to any of Petitioner's allegations regarding False Declaration, Respondent states that such allegations are void having not been accepted by the Board and as such they are denied.

42. Respondent denies the allegations of Paragraph 42 of the Petition. Further, pertaining to any of Petitioner's allegations regarding False Declaration, Respondent states that such allegations are void having not been accepted by the Board and as such they are denied.

43. Respondent denies the allegations of Paragraph 43 of the Petition. Further, pertaining to any of Petitioner's allegations regarding False Declaration,

Respondent states that such allegations are void having not been accepted by the Board and as such they are denied.

Respondent's Answers To Petitioner's Claim III:
Myung Sook Kim Is Not The Proper Applicant And Therefore The
Registration Is Void Ab Inito.

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44. Respondent repeats in full the answers to every allegation contained in paragraphs 1-43, above, as if fully recited in this paragraph. Further as to any of Petitioner's allegations regarding False Declaration which follows, Respondent states that such allegations are void having not been accepted by the Board and as such they are denied.

45. Respondent denies the allegations of Paragraph 45 of the Petition. Further, pertaining to any of Petitioner's allegations regarding False Declaration, Respondent states that such allegations are void having not been accepted by the Board and as such they are denied.

46. Respondent denies the allegations of Paragraph 46 of the Petition. Further, pertaining to any of Petitioner's allegations regarding False Declaration, Respondent states that such allegations are void having not been accepted by the Board and as such they are denied.

47. Respondent denies the allegations of Paragraph 47 of the Petition. Further, pertaining to any of Petitioner's allegations regarding False Declaration, Respondent states that such allegations are void having not been accepted by the Board and as such they are denied.

Wherefore, Respondent respectfully prays that the Board dismiss Petitioner's
Petition for Cancellation of Respondent's U.S Trademark Registration No.
4,418,801 ("Vitamin Blue" for yogurt drinks and snack foods") within its
jurisdiction and power, and as the law allows. Thank you.

Dated: April 22, 2017

Owen Ryan, Respondent (Pro Se)

A handwritten signature in blue ink that reads "Owen Ryan". The signature is written in a cursive style with a large initial "O" and "R".

By //Owen Ryan// _____

CERTIFICATE FOR SERVICE

I certify that on April 23, 2017, I caused one copy of the foregoing Brief to be served by United States Postal Service, first-class mail postage prepaid, upon:

Steven R. Baird and Tiffany A. Blofield,

Winthrop & Weinstine, P.A.

255 South Sixth Street, Suite 3500,

Minneapolis, MN 55402

And, also, by email to Tiffany Blofield at TBlofield@winthrop.com

By:

/Owen Ryan/ Owen Ryan, Respondent (Pro Se)



CERTIFICATE OF FILING TO TTAB VIA ESTTA on April 23, 2017

This certifies that the forgoing Brief is being electronically filed with the United States Postal Service by ESTTA on April 23, 2017.

/Owen Ryan/ Respondent, (Pro Se)