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

Proceeding	91227694
Party	Defendant Wellness Labs, Inc.
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Submission	Answer
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Date	05/19/2016
Attachments	Answer.pdf(113033 bytes)

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

In the matter of trademark application Serial No. 86,722,784
filed August 12, 2015



Mark published in the Official Gazette on January 5, 2016

Threshold Enterprises Ltd.,)	
)	
Opposer,)	Opposition No. 91227694
)	
vs.)	
)	
Wellness Labs, Inc.)	
)	
Applicant.)	
_____)	

UNITED STATES PATENT AND TRADEMARK OFFICE
Trademark Trial and Appeal Board
P.O. Box 1451
Alexandria, VA 22313-1451

ANSWER

The Applicant, Wellness Labs, Inc., hereby replies to the numbered grounds for opposition set forth in Opposer's Notice of Opposition, as follows:

1. Wellness Labs, Inc. is a Florida corporation doing business at 3515 Del Prado Boulevard South, Suite 101, Cape Coral, Florida 33904.
2. Admitted
3. Admitted
4. Denied; Applicant lacks knowledge of or information sufficient to form a belief as to the truth of the allegations.

5. Denied; Applicant lacks knowledge of or information sufficient to form a belief as to the truth of the allegations.
6. Denied; Applicant lacks knowledge of or information sufficient to form a belief as to the truth of the allegations.
7. Denied; Applicant lacks knowledge of or information sufficient to form a belief as to the truth of the allegations.
8. Denied; Applicant lacks knowledge of or information sufficient to form a belief as to the truth of the allegations.
9. Denied; Applicant lacks knowledge of or information sufficient to form a belief as to the truth of the allegations.
10. Denied; Applicant lacks knowledge of or information sufficient to form a belief as to the truth of the allegations.
11. Denied; Applicant lacks knowledge of or information sufficient to form a belief as to the truth of the allegations.
12. Denied; Applicant lacks knowledge of or information sufficient to form a belief as to the truth of the allegations.
13. Admitted
14. Denied; specifically, the Opposer does not claim and has no rights whatsoever, by trademark or otherwise, to the term "WELLNESS."
15. Denied; Applicant lacks knowledge of or information sufficient to form a belief as to the truth of the allegations.

16. Denied; Applicant lacks knowledge of or information sufficient to form a belief as to the truth of the allegations.

Applicant asserts that the following affirmative defenses bar Opposer's requested relief in its Notice of Opposition.

FIRST AFFIRMATIVE DEFENSE

That none of the aforementioned registered trademarks of the Opposer claim any right to the term "WELLNESS." Specifically, in the registered trademark documents, the Opposer asserts "no claim is made to the exclusive right to use "WELLNESS."

SECOND AFFIRMATIVE DEFENSE

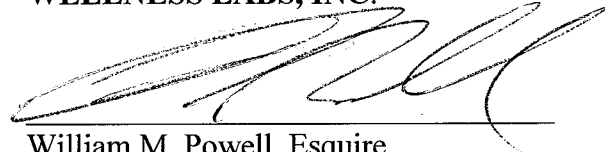
That Applicant hereby gives notice that it may rely on other defenses that may become available or appear proper during discovery and hereby reserves its right to amend this answer to assert such defenses.

WHEREFORE, Applicant requests that the Trademark Trial and Appeal Board dismiss the Notice of Opposition and grant all other appropriate relief to the Applicant as it deems just and proper.

Respectfully submitted,

WELLNESS LABS, INC.

Dated: May 19, 2016.



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CERTIFICATE OF SERVICE

I **HEREBY CERTIFY** that a true and complete copy of the foregoing Answer has been served on Erica Connolly, Esquire by mailing said copy on May 19, 2016, via First Class Mail, postage prepaid to: Erica Connolly, Esquire, Arnold & Porter LLP, Three Embarcadero Center, 10th Floor, San Francisco, California 94111.



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