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

Proceeding	91232470
Party	Defendant Interprofession du GruyÃ¨re, Syndicat Interprofessionnel du GruyÃ¨re
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Date	03/06/2017
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE  
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

Red Apple Cheese, LLC,

Opposer,

v.

Interprofession du Gruyère and Syndicat  
Interprofessionnel du Gruyère,

Applicants

Opposition No. 91232470

**ANSWER TO NOTICE OF OPPOSITION**

Applicants, Interprofession du Gruyère and Syndicat Interprofessionnel du Gruyère, by their attorneys, Fross Zelnick Lehrman & Zissu, P.C., answer the Notice of Opposition as follows:

1. Applicants admit the allegations in Paragraph 1 of the Notice of Opposition, except deny that GRUYÉRE is a generic term, and deny the allegations in footnote 1 of the Notice of Opposition.

2. Applicants admit the allegations in Paragraph 2 of the Notice of Opposition.

3. Applicants admit the allegations in Paragraph 3 of the Notice of Opposition.

4. Applicants admit the allegations in Paragraph 4 of the Notice of Opposition.

5. Applicants admit the allegations in Paragraph 5 of the Notice of Opposition.

6. Applicants are without knowledge or information sufficient to form belief as to the truth of the allegations in paragraph 6 of the Notice of Opposition, except deny that GRUYÉRE is a generic term and deny that GRUYÉRE cheese is manufactured in the United States.

7. Applicants admit the allegations in the first sentence of paragraph 7 of the Notice of Opposition, and deny the allegations in the second sentence of that paragraph.

8. Applicants deny the allegations in paragraph 8 of the Notice of Opposition.

9. Applicants deny the allegations in paragraph 9 of the Notice of Opposition.

10. Applicants deny the allegations in paragraph 10 of the Notice of Opposition, and refer the Board to the TMEP for the exact and complete terms thereof.

11. Applicants deny the allegations in paragraph 11 of the Notice of Opposition, and refer the Board to the TMEP and the decision cited in that paragraph of the Notice of Opposition for the exact and complete terms thereof.

12. Applicants admit the allegations in paragraph 12 of the Notice of Opposition, except state that they lack knowledge or information sufficient to form a belief about the truth of the allegation that “[t]he genus of goods is therefore cheese,” and deny that the relevant public consists only of purchasers of cheese.

13. Applicants deny the allegations in paragraph 13 of the Notice of Opposition.

14. Applicants deny the allegations in paragraph 14 of the Notice of Opposition.

15. Applicants deny the allegations in paragraph 15 of the Notice of Opposition.

16. Applicants deny the allegations in paragraph 16 of the Notice of Opposition, and deny that any of the dictionaries cited therein assert that “Gruyère” is a generic term.

17. Applicants deny the allegations in paragraph 17 of the Notice of Opposition.

18. Applicants deny the allegations in paragraph 18 of the Notice of Opposition, except admit that GRUYÈRE cheese originated in the Gruyère region of Switzerland and France.

19. Applicants deny the allegations in paragraph 19 of the Notice of Opposition.

20. Applicants deny the allegations in paragraph 20 of the Notice of Opposition.

21. Applicants are without knowledge or information sufficient to form belief as to the truth of the allegations in paragraph 21 of the Notice of Opposition.

22. Applicants deny the allegations in paragraph 22 of the Notice of Opposition.

23. Applicants deny the allegations in paragraph 23 of the Notice of Opposition.

24. Applicants deny the allegations in paragraph 24 of the Notice of Opposition.

WHEREFORE, Applicants demand judgment in their favor, dismissing the Notice of Opposition in all respects, and granting such other and further relief as the Board deems just and proper.

Dated: New York, NY  
March 6, 2017

Respectfully submitted,  
Fross Zelnick Lehrman & Zissu, P.C.

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*Attorneys for Applicants*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing ANSWER TO NOTICE OF OPPOSITION has been served on The Law Offices of Steven McHugh, LLC, counsel for Opposer, by forwarding said copy on March 6, 2017, via email to:

Steven M. McHugh, Esq.  
[trademarks@mchugh-law.com](mailto:trademarks@mchugh-law.com)

Signature:           /Richard Lehv/            
Date:           March 6, 2017