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Filing date: **05/30/2018**

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

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|------------------------|--|
| Proceeding | 91237983 |
| Party | Defendant Colgate-Palmolive Company |
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| Submission | Answer |
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| Signature | /s/ James D. Weinberger |
| Date | 05/30/2018 |
| Attachments | F2631116.pdf(23684 bytes) |

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

HYRDOX CHEMICAL COMPANY, INC.

Opposer,

-against-

COLGATE-PALMOLIVE COMPANY,

Applicant.

Opposition No. 91237983

ANSWER TO NOTICE OF OPPOSITION

Applicant, Colgate-Palmolive Company (“Applicant”), for its Answer to Notice of Opposition of Hydrox Chemical Company, Inc. (“Opposer”) states as follows:

1. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1 of the Notice of Opposition, except aver that the records of the U.S. Patent & Trademark Office speak for themselves and that the referenced registration appears to cover a narrower list of goods than those identified in the Notice of Opposition.

2. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2 of the Notice of Opposition, except aver that the records of the U.S. Patent & Trademark Office speak for themselves.

3. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3 of the Notice of Opposition, except aver that the records of the U.S. Patent & Trademark Office speak for themselves.

4. Denies knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4 of the Notice of Opposition, except aver that the records of the U.S. Patent & Trademark Office speak for themselves.

5. Denies that the applied-for mark is likely to cause confusion with any mark of Opposer, and otherwise denies knowledge or information sufficient to form a belief as to the truth of the factual allegations of the second Paragraph 4 of the Notice of Opposition as they relate to Opposer.

6. Denies that the applied-for mark violates any prohibition of section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a), and otherwise denies knowledge or information sufficient to form a belief as to the truth of the factual allegations of Paragraph 5 of the Notice of Opposition as they relate to Opposer.

7. Denies the allegations of Paragraph 6 of the Notice of Opposition.

FIRST AFFIRMATIVE DEFENSE

8. Opposer has failed to state a claim upon which relief can be granted, specifically with respect to disparagement under Section 2(a) of the Lanham Act, 15 U.S.C. § 1052(a).

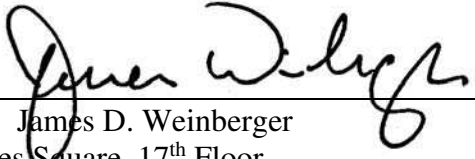
SECOND AFFIRMATIVE DEFENSE

9. The Notice of Opposition does not comply with Fed. R. Civ. P. 8(a) and (e), which require a “short and plain statement” of the claims showing that Opposer is entitled to relief, and 37 C.F.R. § 2.104(a) and T.B.M.P. § 312.03, which require “a short and plain statement showing why Opposer believes . . . it would be damaged by the registration of the opposed mark.” As such Applicant is not required to separately admit or deny each of the allegations contained therein.

WHEREFORE, Applicant demands judgment dismissing the Notice of Opposition with prejudice and granting to Applicant such other and further relief as the Board may deem just and proper.

Dated: New York, New York
May 30, 2018

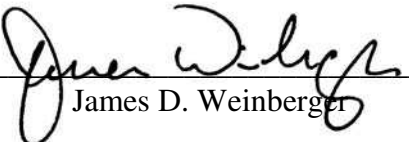
FROSS ZELNICK LEHRMAN & ZISSU, P.C.

By: 
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Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the ANSWER TO NOTICE OF OPPOSITION was served by email upon counsel for Opposer, jmfaier@faier.com, skim@faier.com, ipdocket@faier.com on this 30th day of May, 2018.


James D. Weinberger