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

Proceeding	91238152
Party	Defendant Wholesome Sweeteners, Inc.
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Date	01/16/2018
Attachments	Answer - Wrigley v. Wholesome [TTAB].pdf(204830 bytes )

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

WM. WRIGLEY JR. COMPANY,	)	
	)	
Plaintiff / Opposer,	)	<u>Opposition No.</u> 91238152
	)	<u>Application Serial No.</u>
	)	87458192
	)	<u>Mark:</u> SKEDADDLES
	)	
v.	)	
	)	
WHOLESOME SWEETENERS, INC.	)	
	)	
Defendant / Applicant.	)	

**APPLICANT’S ANSWER TO NOTICE OF OPPOSITION**

Defendant / Applicant Wholesome Sweeteners, Inc. (“Applicant”) hereby submits the following in response to the allegations in Opposer’s Notice of Opposition. Each numbered paragraph in this Answer responds to the corresponding numbered paragraph of the Notice of Opposition. Except to the extent an allegation is expressly admitted, Applicant denies all allegations.

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 1 and on that basis denies those allegations.
2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 2 and on that basis denies those allegations.
3. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 3 and on that basis denies those allegations.
4. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 4 and on that basis denies those allegations.

5. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5 and on that basis denies those allegations.

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 6 and on that basis denies those allegations.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 7 and on that basis denies those allegations.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 8 and on that basis denies those allegations.

9. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 9 and on that basis denies those allegations.

10. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10 and on that basis denies those allegations.

11. Applicant admits the allegations set forth in Paragraph 11.

12. Applicant admits the allegations set forth in Paragraph 12.

13. Applicant admits the allegations set forth in Paragraph 13, and denies that any consent or permission from Opposer is required.

14. Applicant admits that it intends to sell at least one fruit-flavored candy product bearing the SKEDADDLES applied-for mark. Applicant denies all other allegations in Paragraph 14.

15. Applicant denies the allegations set forth in Paragraph 15.

16. Applicant denies the allegations set forth in Paragraph 16.

17. Applicant denies the allegations set forth in Paragraph 17.

18. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 18 and on that basis denies those allegations.

19. Applicant denies the allegations set forth in Paragraph 19.

20. Applicant denies the allegations set forth in Paragraph 20.

21. Applicant denies the allegations set forth in Paragraph 21.

### **DEFENSES**

By way of further Answer, Applicant alleges the following defenses:

1. The Notice of Opposition fails to state a claim for relief.

2. Applicant's mark is sufficiently different in sound, meaning, appearance and/or commercial impression from Opposer's marks and/or are used or intended to be used, respectively, in connection with dissimilar goods so as to avoid a likelihood of confusion.

3. Applicant denies any and all allegations set forth in the opening paragraph or Preamble of Opposer's Notice of Opposition, and denies that Opposer is entitled to any relief whatsoever by way of this proceeding.

4. To the extent that any headings, subheadings, section titles, subsection titles, or any other un-numbered statements or descriptions contained within the Notice of Opposition contain any factual allegation, legal conclusion or other statement requiring a specific response by Applicant, or can be construed as a factual allegation, legal conclusion or other statement requiring a response, Applicant denies all such allegations, and denies that any such statement(s) give rise to any type of relief in Opposer's favor or any type of liability by Applicant.

5. Applicant is informed and believes and on that basis alleges that Applicant has not knowingly or intentionally waived any applicable general or affirmative defenses and reserve the

right to assert and rely on such other applicable general or affirmative defenses as may become available or apparent during discovery in this proceeding.

Date: January 16, 2018

Respectfully submitted,

By: /s/ Ryan M. Kaiser

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*Attorney for Defendant / Applicant,  
Wholesome Sweeteners, Inc.*

**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the foregoing documents have been serviced email upon the following counsel for Opposer at the following email addresses on January 16, 2018.

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*/s/ Ryan M. Kaiser* \_\_\_\_\_