

ESTTA Tracking number: **ESTTA876550**

Filing date: **02/11/2018**

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

Proceeding	91238728
Party	Defendant PARIS CROISSANT CO., LTD.
Correspondence Address	MIRIAM TRUDELL SHERIDAN ROSS P.C. 1560 BROADWAY, SUITE 1200 DENVER, CO 80202 Email: mtrudell@sheridanross.com
Submission	Answer
Filer's Name	Miriam D. Trudell
Filer's email	mtrudell@sheridanross.com
Signature	/miriam trudell/
Date	02/11/2018
Attachments	answer.pdf(101434 bytes)

**UNITED STATES PATENT AND TRADEMARK OFFICE
TRADEMARK TRIAL AND APPEAL BOARD**

BIRDS EYE FOODS LLC,)
)
 Opposer) Opposition No. 91238728
) Mark:



v.) Serial Nos. 87168679, 87168692
)
 PARIS CROISSANT CO., LTD.,)
)
 Applicant)

ANSWER

Applicant, PARIS CROISSANT CO., LTD., by its attorneys, hereby answers the allegations set forth in the Notice of Opposition as follows:

1. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 1 of the Notice of Opposition and, therefore, denies said allegations.

2. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 2 of the Notice of Opposition and, therefore, denies said allegations.

3. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 3 of the Notice of Opposition and, therefore, denies said allegations. Furthermore, Applicant denies the allegations set forth in Paragraph 3 of the Notice of Opposition.

4. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 4 of the Notice of Opposition and, therefore, denies said allegations.

5. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 5 of the Notice of Opposition and, therefore, denies said allegations.

6. Applicant admits that on September 12, 2016, Applicant filed the following two applications seeking registration on the Principal Register on an intent-to-use basis, which were assigned Serial Nos. 87168679 and 87168692, respectively, and Applicant claimed priority under 44(d) to August 11, 2016 in connection with Application No. 20160061499 for “cereal-based snack foods; Sandwiches; Confectioneries, namely, pastilles, fondants, yogurt-covered pretzels, crystal sugar pieces, gum paste, yogurt-covered fruit, yogurt-covered nuts and confectionery chips for baking; Bread; Chocolate confections; Cake; Ice cream; Sugar; Rice cakes; Sauces; Coffee flavourings; Tea; Prepared coffee and coffee-based beverages; Caffeine-free coffee; Roasted coffee beans; Tea-based beverages; Iced coffee; Chocolate products, namely, chocolate candies, chocolate based ready to eat snacks, chocolate bars, chocolate truffles and chocolate chips; Cocoa-based beverages,” in Class 30 and claimed priority under 44(d) to September 5, 2016 in connection with Application No. 20160068162 for “Fruit juice; Fruit-based beverages; Aerated fruit juices; Fermented beverage; Soda drinks; Smoothies; Rice-based beverages; Almond juice beverages; Ginger ale; Soft drinks; Aerated water; Fruit juice concentrates; Fruit syrup; Mineral water; Water beverages; Flavor enhanced water; Beer; Alcohol-free beers; Non-alcoholic cocktail,” in Class 32. Applicant denies the remaining allegations set forth in Paragraph 6 of the Notice of Opposition.

7. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 7 of the Notice of Opposition and, therefore, denies said allegations.

8. Applicant denies the allegations set forth in Paragraph 8 of the Notice of Opposition.

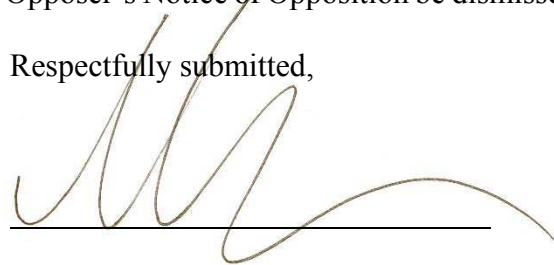
9. Applicant denies the allegations set forth in Paragraph 9 of the Notice of Opposition.

Wherefore, Applicant respectfully prays that Opposer's Notice of Opposition be dismissed.

Respectfully submitted,

Date: 11 February 2018

By:



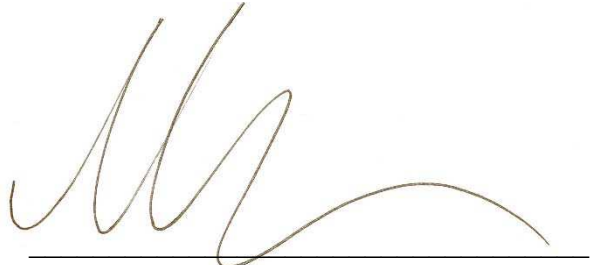
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**ATTORNEYS FOR APPLICANT
PARIS CROISSANT CO., LTD.**

CERTIFICATE OF SERVICE

I hereby certify that on February 11, 2018 a true and correct copy of the **ANSWER** was served by email only to:

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