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

Proceeding	91240472
Party	Defendant Mocoffee AG
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Date	07/14/2018
Attachments	Answer to Opposition No 91240472.pdf(115636 bytes)

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

Sugarpova, LLC,)	
)	
Opposer,)	
)	Opposition No. 91240472
v.)	Ser. No. 79212816
)	
Mocoffee AG,)	
)	
Applicant.)	

ANSWER TO OPPOSITION

Applicant, Mocoffee AG (“Applicant”) through its undersigned attorneys, hereby answers the Notice of Opposition filed by Opposer, Sugarpova, LLC (“Opposer”), in connection with the above-captioned opposition proceeding.

With respect to the preamble of the Notice of Opposition, Applicant denies that Opposer is being or will be damaged by the registration of U.S. trademark application Ser. No. 79212816 filed on May 1, 2017 and published for opposition in the Trademark *Official Gazette* on November 28, 2017.

1. Applicant is without sufficient information to admit or deny the allegations of Paragraph 1 and, therefore, denies each and every allegation therein.

2. Applicant is without sufficient information to admit or deny the allegations of Paragraph 2 and, therefore, denies each and every allegation therein.


3. Applicant admits that United States Patent and Trademark Office (“US PTO”) records identify Opposer as owner of U.S. Trademark Registration No. 4408651 covering “candy” in International Class 30. Applicant further admits that the US PTO records identify Opposer as owner of U.S. Trademark Registration No. 4909022 covering “clothing, namely, hats; shirts; t-shirts and tank tops” in International Class 25. Applicant is without sufficient

information to admit or deny the remaining allegations of Paragraph 3 and, therefore, denies each and every allegation therein.

4. Applicant admits that the documents attached as Exhibit A and Exhibit B appear to be electronic records from the US PTO for U.S. Trademark Reg. Nos. 4408651 and 4909022. The remaining allegations of Paragraph 4 call for a legal conclusion and, to the extent that a response is required, Applicant denies each and every allegation contained therein.

5. Denied.

6. Denied.

7. Applicant admits that on May 1, 2017 it filed Application Ser. No. 79212816 for the mark  covering “Electric machines for preparing hot beverages, namely, pressurized steam and hot-water injection machines for preparing teas, coffees, cocoas and non-medicinal infusions from capsules” in International Class 11 and “Coffee, tea, cocoa; coffee in capsules, tea in capsules, cocoa in capsules; substitutes for these goods, namely, grain-based coffee substitute, chicory-based coffee substitute; coffee beans; cocoa mixtures; chocolate-based beverages, cocoa-based beverages, coffee-based beverages and tea-based beverages; chocolate powder; tea for infusions; non-medicinal infusions in the form of capsules for making coffee-based beverages, grain-based beverages, tea-based beverages, beverages based on coffee substitutes, herb-based beverages, chocolate-based beverages and cocoa-based beverages; sauces and sauce concentrates” in International Class 30.

8. Admitted.

9. Applicant is without sufficient information to admit or deny the allegations of Paragraph 9 and, therefore, denies each and every allegation therein.

10. Denied.

11. Denied.

12. Denied.

13. Denied.

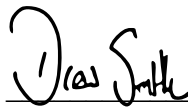
Applicant reserves the right to raise affirmative defenses as may become known during the discovery and/or testimony periods.

WHEREFORE, Applicant prays that the Notice of Opposition be immediately dismissed with prejudice and that the opposed application be promptly registered.

Respectfully submitted,

MOCOFFEE AG

By:



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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing “Answer to Opposition” was served on Opposer’s attorney, Lesly M. Grossberg of Baker & Hostetler, LLP, via email at the address of lgrossberg@bakerlaw.com, today July 14, 2018.

By:  _____
Drew M. Smith