

ESTTA Tracking number: **ESTTA947951**

Filing date: **01/16/2019**

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

Proceeding	91245193
Party	Defendant Acme International, Inc.
Correspondence Address	ACME INTERNATIONAL, INC. ACME INTERNATIONAL, INC. 3265 SATURN COURT PEACHTREE CORNERS, GA 30092 ssaluja@acmeintlusa.com no phone number provided
Submission	Answer
Filer's Name	Gregory Scott Smith
Filer's email	gsmith@srtslaw.com, docket@srtslaw.com
Signature	/Gregory Scott Smith/
Date	01/16/2019
Attachments	01107o3010 Opposition Answer.pdf(83830 bytes )

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

Trademark Application Serial Number:  
87927941

For the Mark:

CRUNCHI MUNCHI

CONAGRA FOODS RDM, INC.,

Opposer,

v.

ACME INTERNATIONAL, INC.

Applicant

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Opposition Number: 91245193

Applicant's File Number – 01107.3010

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APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

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In response to the Notice of Opposition (hereinafter "Notice") filed by CONAGRA FOODS RDM, INC. on December 10, 2018, the Applicant, ACME INTERNATIONAL, INC. (hereinafter "Applicant"), answers the Notice identified above as follows:

1. Applicant admits that it is a Georgia Corporation and has an address of 3265 Saturn Court, Peachtree Corners, Georgia 30092 and that it filed an application, serial number 87927941, on May 18, 2018 for the mark CRUNCHI MUNCHI under section 1(b) for "Potato crisps and chips; Pulse-based snack foods; Vegetable chips" in Class 29 and "Cereal-based snack food; Corn chips; Grain-based chips; Grain-based snack foods; Rice-based snack foods; Tortilla chips; Wheat-based snack foods" in Class 30 (hereinafter the "Application"). The Applicant denies any other allegations, either express or implied, in paragraph 1 of the Opposition.

2. In response to the allegations of paragraph 2 of the Notice, the Applicant is without sufficient knowledge to admit or deny, and so denies.

3. In response to the allegations of paragraph 3 of the Notice, the Applicant is without sufficient knowledge to admit or deny, and so denies.

4. Applicant denies the allegations of paragraph 4 of the Notice.

5. In response to the allegations of paragraph 5 of the Notice, the Applicant is without sufficient knowledge to admit or deny, and so denies.

6. Applicant denies the allegations of paragraph 6 of the Notice.

7. Applicant denies the allegations of paragraph 7 of the Notice.

8. Applicant denies the allegations of paragraph 8 of the Notice.

### **Affirmative Defenses**

In further answer to the Notice, the Applicant asserts that:

#### **First Affirmative Defense**

The Applicant asserts that there is no likelihood of confusion with respect to the Applicant's mark and the Opposer's mark.

#### **Second Affirmative Defense**

The Applicant asserts that the Applicant's mark, when used in connection with the goods recited in the application, do not give rise to a likelihood of confusion.

#### **Third Affirmative Defense**

The Applicant alleges on information and belief that the opposition is barred by the doctrine of estoppel.

**Fourth Affirmative Defense**

The Applicant alleges on information and belief that as a result of the acts and omissions of opposer, that opposer has waived any right to pursue its opposition.

WHEREFORE, Applicant respectfully prays that the Opposition be dismissed in favor of Applicant and that United States Application 87927941 be registered.

Respectfully submitted,

By: /Gregory Scott Smith/

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Gregory Scott Smith  
Reg. No. 40,819  
Georgia Bar No. 658377  
Attorney for Applicant

Smith Tempel Blaha LLC  
50 Glenlake Pkwy, Suite 340  
Atlanta, Georgia 30328  
(404) 643-3430

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 following via email:

Michelle Alvey  
Husch Blackwell LLP  
190 Carondelet Plaza, Suite 600  
St. Louis, MO 63105  
[michelle.alvey@huschblackwell.com](mailto:michelle.alvey@huschblackwell.com)

By /Gregory Scott Smith/  
Gregory Scott Smith  
Georgia Bar Number 658377

Dated January 16, 2019