

ESTTA Tracking number: **ESTTA1120601**

Filing date: **03/15/2021**

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

Proceeding	91245529
Party	Defendant Hhealth Inc.
Correspondence Address	M SCOTT ALPRIN ALPRIN LAW OFFICES PC 5 PINEHURST CIRCLE NW WASHINGTON, DC 20015 UNITED STATES Primary Email: trademarks@alprinlaw.com 202-659-8225
Submission	Defendant's Notice of Reliance
Filer's Name	M. Scott Alprin
Filer's email	salprin@alprinlaw.com
Signature	/M. Scott Alprin/
Date	03/15/2021
Attachments	DSM v. Hhealth - Applicant's Notice of Reliance - 3-15-21 PDF.pdf(522807 bytes )

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

DSM IP Assets B.V.,	)	
	)	
Opposer,	)	
	)	
v.	)	Proceeding No. 91245529
	)	
Hhealth Inc.,	)	
	)	
Applicant.	)	

Application subject of Opposition:  
Ser. No. 87891972 for:  
H health and Design

**APPLICANT’S FIRST NOTICE OF RELIANCE**

Applicant, Hhealth Inc. (“Applicant”), by its undersigned attorneys and pursuant to 37 C.F.R. § 2.122(e) and in view of the guidance in TBMP Section 704.07, hereby gives notice to Opposer DSM IP Assets B.V. (“Opposer”) and the Board that it intends to rely at trial on the following material and self-authenticating evidence, generally relevant to the issues raised by the pleadings herein, and specifically relevant to the question of whether Applicant existed at the time of the filing of its application, April 25, 2018.

**Exhibit 1 – Official Record of the State of Delaware**

Applicant hereby submits as evidence a true copy of a certificate, being an official record, issued by the State of Delaware on February 3, 2018 certifying Applicant as duly incorporated under the laws of Delaware and being in good standing and having a legal corporate existence.

Respectfully submitted,

**HHEALTH INC.**

Date: March 15, 2021

/M. Scott Alprin/

M. Scott Alprin

Yuka Kobayashi

Asha E. Velay

*Attorneys for Opposer*

ALPRIN LAW OFFICES, P.C.

5 Pinehurst Circle, N.W.

Washington, D.C. 20015

202-659-8225 (phone)

202-659-0441 (facsimile)

[trademarks@alprinlaw.com](mailto:trademarks@alprinlaw.com)

**Certificate of Service**

I hereby certify that a true and complete copy of the **Applicant's First Notice of Reliance** has been served on Opposer, by forwarding a copy of the said document to Duane M. Byers, counsel for Opposer, via e-mail, on March 15, 2021, to:

**dmb@nixonvan.com**

**nixonptomail@nixonvan.com**

/M. Scott Alprin/

M. Scott Alprin

# Delaware

The First State

I, JEFFREY W. BULLOCK, SECRETARY OF STATE OF THE STATE OF DELAWARE, DO HEREBY CERTIFY "HHEALTH INC." IS DULY INCORPORATED UNDER THE LAWS OF THE STATE OF DELAWARE AND IS IN GOOD STANDING AND HAS A LEGAL CORPORATE EXISTENCE SO FAR AS THE RECORDS OF THIS OFFICE SHOW, AS OF THE THIRD DAY OF FEBRUARY, A.D. 2018.



  
Jeffrey W. Bullock, Secretary of State

6711949 8300

SR# 20180278517

You may verify this certificate online at [corp.delaware.gov/authver.shtml](http://corp.delaware.gov/authver.shtml)

Authentication: 202088210

Date: 02-03-18