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

Proceeding	91256448
Party	Defendant Stocking-Plus, L.L.C.
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Submission	Answer
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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE BEFORE THE
TRADEMARK TRIAL AND APPEAL BOARD**

GENERAL MILLS IP HOLDINGS II, LLC,)	
)	Opposition No.: 91256448
Opposer,)	
)	
v.)	Serial No.: 88/769713
)	
STOCKING-PLUS, L.L.C.,)	Mark: TRIQ
)	
Applicant.)	
)	
_____)	

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Dear Sir or Madam:

Applicant STOCKING-PLUS, L.L.C (“Applicant”), a North Carolina company, located and doing business at 1905 Indianwood Court, Raleigh, NC 27604, hereby answers the Notice of Opposition (“Notice”) filed by GENERAL MILLS IP HOLDINGS II, LLC (“Opposer”) against Application Serial No. 88/769713 (“Application”) as set forth below.

Answering the first unnumbered paragraph of the Notice, Applicant admits that the mark TRIQ (“Applicant’s Mark”) is the subject of Application Serial No. 88/769713, which Applicant filed on January 22, 2020 and which was published for opposition in the Official Gazette on May 19, 2020. Applicant denies the remaining allegations contained in the first unnumbered paragraph of the Notice.

1. Answering Paragraph 1 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 1 of the Notice, and therefore, on that basis denies the allegations contained therein.
2. Answering Paragraph 2 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 2 of the Notice, and therefore, on that basis denies the allegations contained therein.
3. Answering Paragraph 3 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 3 of the Notice, and therefore, on that basis denies the allegations contained therein.
4. Answering Paragraph 4 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 4 of the Notice, and therefore, on that basis denies the allegations contained therein.
5. Answering Paragraph 5 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 5 of the Notice, and therefore, on that basis denies the allegations contained therein.
6. Answering Paragraph 6 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 6 of the Notice, and therefore, on that basis denies the allegations contained therein.
7. Answering Paragraph 7 of the Notice, Applicant lacks knowledge or information sufficient to form a belief as to the truth or falsity of the allegations contained in Paragraph 7 of the Notice, and therefore, on that basis denies the allegations contained therein.

8. Answering Paragraph 8 of the Notice, Applicant admits that the United States Patent and Trademark (“PTO”) records identify Applicant’s Mark as having 1(b), intent-to-use, status as of the date of this Answer.

9. Answering Paragraph 9 of the Notice, Applicant denies the allegations contained therein.

10. Answering Paragraph 10 of the Notice, Applicant denies consent or permission from Opposer is required to use Applicant’s Mark. To the extent any such consent or permission is required, Applicant admits that it has not explicitly received any such consent or permission.

11. Answering Paragraph 11 of the Notice, Applicant denies the allegations contained therein.

12. Answering Paragraph 12 of the Notice, Applicant denies the allegations contained therein.

13. Answering Paragraph 13 of the Notice, Applicant denies the allegations contained therein.

AFFIRMATIVE DEFENSES

Applicant alleges the following affirmative defenses. There may be additional affirmative defenses to the claims in the Notice that are currently unknown to Applicant. Therefore, Applicant reserves the right to amend its Answer to the Notice to allege additional affirmative defenses in the event that discovery of additional information indicates they are appropriate.

FIRST AFFIRMATIVE DEFENSE

The Notice fails to state a claim for which relief can be granted.

SECOND AFFIRMATIVE DEFENSE

The claims in the Notice are barred by the doctrine of laches, acquiescence, waiver, and/or estoppel.

WHEREFORE, Applicant respectfully requests that the Opposition be dismissed with prejudice and the Application be granted registration.

Respectfully submitted,

NK Patent Law



Date: June 3, 2020

By: _____
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