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Filing date: **01/11/2021**

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

| | |
|------------------------|--|
| Proceeding | 91266227 |
| Party | Defendant Galil Importing Corporation |
| Correspondence Address | DAVID I. GREENBAUM RIMON, P.C. ONE EMBARCADERO CENTER, #400 SAN FRANCISCO, CA 94110 UNITED STATES Primary Email: tmdocketing@rimonlaw.com Secondary Email(s): david.greenbaum@rimonlaw.com 646-779-0787 |
| Submission | Answer |
| Filer's Name | David I. Greenbaum |
| Filer's email | david.greenbaum@rimonlaw.com |
| Signature | /dig/ |
| Date | 01/11/2021 |
| Attachments | Answer - NATURE_S ENVY.pdf(82498 bytes) |

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

| | | | |
|------------------------------|---|----------------|---------------|
| FLOWERS BAKERIES BRANDS LLC, |) | Opposition No. | 91266227 |
| |) | | |
| Opposer, |) | Serial No. | 88/805,630 |
| |) | | |
| v. |) | Mark: | NATURE’S ENVY |
| |) | | |
| GALIL IMPORTING CORPORATION, |) | | |
| |) | | |
| Applicant. |) | | |

ANSWER TO NOTICE OF OPPOSITION

Through the undersigned counsel, Galil Importing Corporation (“Applicant”) answers the Notice of Opposition against Application No. 88/805,630 filed by Flowers Bakeries Brands LLC (“Opposer”) as follows. The paragraphs of this Answer to Notice of Opposition (“Answer”) are numbered to correspond with the numbered paragraphs of the Notice of Opposition.

To the extent not explicitly admitted, all allegations in the Notice of Opposition are denied. The first paragraph of the Notice of Opposition is an introductory paragraph to which no responsive pleading is required. To the extent a response is deemed necessary, Applicant denies the allegations contained therein.

1. Applicant is without knowledge or information sufficient to affirm or deny the allegations contained in Paragraph 1 of the Notice of Opposition and therefore denies same.

2. Applicant admits that it is a New York corporation, but that its current business address is 45 Gilpin Avenue Hauppauge, New York 11788.

3. Applicant is without knowledge or information sufficient to affirm or deny the allegations contained in Paragraph 3 of the Notice of Opposition and therefore denies same.

4. To the extent that the records cited by Opposer reflect valid and subsisting registrations on the Principal Register, Applicant admits the facts contained in Paragraph 4 of the Notice of Opposition; Applicant is without knowledge or information sufficient to affirm or deny the remaining allegations contained in Paragraph 4 of the Notice of Opposition and therefore denies same.

5. Applicant is without knowledge or information sufficient to affirm or deny the allegations contained in Paragraph 5 of the Notice of Opposition and therefore denies same.

6. Applicant is without knowledge or information sufficient to affirm or deny the allegations contained in Paragraph 6 of the Notice of Opposition and therefore denies same.

7. Applicant is without knowledge or information sufficient to affirm or deny the allegations contained in Paragraph 7 of the Notice of Opposition and therefore denies same.

8. As to “bakery products” and “bread,” Applicant admits the allegations contained in Paragraph 30.

9. Applicant’s U.S. Trademark Application 88/404,626 speaks for itself and no response is necessary; as to allegations relating to priority, Applicant is without knowledge or information sufficient to affirm or deny the allegations contained in Paragraph 9 of the Notice of Opposition and therefore denies same.

10. Applicant denies the allegations contained in Paragraph 10 of the Notice of Opposition.

11. Applicant denies the allegations contained in Paragraph 11 of the Notice of Opposition.

12. Applicant is without knowledge or information sufficient to affirm or deny the allegations contained in Paragraph 12 of the Notice of Opposition and therefore denies same.

AFFIRMATIVE DEFENSES

13. Opposer's Notice of Opposition fails to set forth facts sufficient to entitle the Opposer to the relief sought and should be dismissed pursuant to Rule 12(b)(6) of the Federal Rules of Civil Procedure. Applicant reserves the right to file a motion to dismiss.

14. Opposer is not entitled to relief because there is no likelihood of confusion, mistake or deception because Opposer's alleged marks and the Applicant's mark are not confusingly similar and the goods are unrelated.

RELIEF REQUESTED

WHEREFORE, Applicant respectfully requests the Notice of Opposition be dismissed with prejudice.

Dated: January 11, 2021

Respectfully Submitted,

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DAVID I. GREENBAUM
RIMON, P.C.
ONE EMBARCADERO CENTER,
#400
SAN FRANCISCO, CA 94110
UNITED STATES
tmdocketing@rimonlaw.com,
david.greenbaum@rimonlaw.com

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that on this 11th day of January 2021 a true and correct copy of the foregoing has been served to upon counsel for Opposer via electronic email to:

[THEODORE H. DAVIS JR.](#)

KILPATRICK TOWNSEND & STOCKTON LLP

1100 PEACHTREE STREET NE, SUITE 2800

ATLANTA, GA 30309

UNITED STATES

tdavis@ktslaw.com, bjones@ktslaw.com, nchollet@ktslaw.com, kteilhaber@ktslaw.com,

tadmin@ktslaw.com

Dated: January 11, 2021

Respectfully Submitted,

/dig/

DAVID I. GREENBAUM

RIMON, P.C.

ONE EMBARCADERO CENTER,
#400

SAN FRANCISCO, CA 94110

UNITED STATES

tmdocketing@rimonlaw.com,

david.greenbaum@rimonlaw.com

Attorneys for Applicant