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

Proceeding	91266234
Party	Defendant Monsieur Touton Selection Ltd.
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Submission	Answer
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Date	05/07/2021
Attachments	Answer to Opposition.pdf(199218 bytes )

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

BARON PHILIPPE DE ROTHSCHILD S.A.,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No. 91266234
	:	Serial No. 87-874640
MONSIEUR TOUTON SELECTION LTD.	:	Trademark: THE LITTLE SHEEP
	:	OF NEW ZEALAND
	:	
Applicant.	:	

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**ANSWER TO NOTICE OF OPPOSITION**

Applicant, Monsieur Touton Selection Ltd., (“Applicant” or “Touton”) hereby replies to the numbered grounds for opposition set forth in Opposer’s Notice of Opposition as follows:

1. Applicant admits that Opposer is listed as the Registrant in U.S. Trademark Registration Nos. 625967 for MOUTON CADET, 1140783 for CHATEUX MOUTON ROTHSCHILD and 2143354 for LE PETIT MOUTON DE MOUTON ROTHSCHILD. Applicant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 1 and demands proof thereof.
2. Admitted.
3. Applicant lacks knowledge or information sufficient to form a belief about the truth of allegations of use in paragraph 3 and demands proof thereof.
4. Applicant admits that Opposer is listed as the Registrant in U.S. Trademark Registration Nos. 625967 for MOUTON CADET, 1140783 for CHATEUX MOUTON ROTHSCHILD and 2143354 for LE PETIT MOUTON DE MOUTON

ROTHSCHILD. Applicant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 4 and demands proof thereof.

5. Admitted.

6. Applicant lacks knowledge or information sufficient to form a belief about the truth of allegations of use in paragraph 6 and demands proof thereof.

7. Applicant admits that Opposer is listed as the Registrant in U.S.

Trademark Registration No. 3073740 for a stylized image of a sheep's head. Applicant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 7 and demands proof thereof.

8. Applicant admits that Opposer is listed as the Registrant in U.S.

Trademark Registration No. 1215154 for a stylized image of a family crest design featuring an image of two sheep. Applicant lacks knowledge or information sufficient to form a belief about the truth of the remaining allegations in paragraph 8 and demands proof thereof.

9. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 9 and demands proof thereof.

10. Admitted.

11. Denied.

12. Denied.

13. Denied.

14. Denied.

15. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in paragraph 15 and demands proof thereof.

16. Denied.

**AFFIRMATIVE DEFENSES**

**First Affirmative Defense**

The opposition fails to state a claim for which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the opposition.

**Second Affirmative Defense**

As a result of Applicant's continuous use of the Mark since the time of Applicant's adoption thereof, the Mark has developed significant goodwill among the relevant consuming public in conjunction with the Mark. Such goodwill and widespread usage has caused the Mark to acquire distinctiveness with respect to Applicant, and caused the Mark to become a valuable asset of Applicant.

WHEREFORE, Applicant prays that the Opposition be dismissed, and that the above referenced Application be allowed to proceed to registration.

Respectfully submitted



May 7, 2021

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ATTORNEYS FOR APPLICANT

**CERTIFICATE OF SERVICE**

This is to certify that a true and correct copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** was served via email on counsel for the Opposer at the following address:

Aimee M. Allen  
Abelman, Frayne & Schwab  
666 Third Avenue, 10th Floor  
New York, NY 10017-5621  
email: [aallen@lawabel.com](mailto:aallen@lawabel.com)

*AnneMarie Provino*

Date: May 7, 2021

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AnneMarie Provino