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

Proceeding	91266493
Party	Defendant HOMEBIOTIC, INC.
Correspondence Address	JONATHAN A. MENKES KNOBBE, MARTENS, OLSON & BEAR, LLP 2040 MAIN STREET, 14TH FLOOR IRVINE, CA 92614 UNITED STATES Primary Email: efiling@knobbe.com 9497600404
Submission	Answer
Filer's Name	Bitia Kianian
Filer's email	efiling@knobbe.com
Signature	/Bitia Kianian/
Date	01/22/2021
Attachments	Answer to First Amended Notice of Opposition.pdf(16613 bytes)

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

Jemie B.V.,

Opposer,

v.

Homebiotic, Inc.,

Applicant.

Opposition No.: 91266493

Serial No.: 88/462400

Mark: CANNABIOTICS

ANSWER TO FIRST AMENDED NOTICE OF OPPOSITION

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

Dear Sir or Madam:

Homebiotic, Inc. (“Applicant”) hereby answers the First Amended Notice of Opposition filed by Jemie B.V. (“Opposer”) against Applicant’s mark CANNABIOTICS (“Applicant’s Mark”), U.S. Application Serial No. 88/462400 (the “Application”), as set forth below. Unless specifically admitted herein, all allegations in the First Amended Notice of Opposition are denied. Applicant further denies that Opposer is entitled to any relief, including the relief requested in the First Amended Notice of Opposition.

1. Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 1 of the First Amended Notice of Opposition, and accordingly denies these allegations.

2. Applicant is without sufficient knowledge or information to form a belief as to the

truth or falsity of the allegations contained in Paragraph 2 of the First Amended Notice of Opposition, and accordingly denies these allegations.

3. Applicant admits that based on publicly available USPTO records, Opposer appears to be the listed owner of the registrations listed in the chart below Paragraph 3 of the First Amended Notice of Opposition. Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the remaining allegations contained in Paragraph 3 of the First Amended Notice of Opposition, and accordingly denies these allegations.

4. Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 4 of the First Amended Notice of Opposition, and accordingly denies these allegations.

5. Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 5 of the First Amended Notice of Opposition, and accordingly denies these allegations.

6. Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 6 of the First Amended Notice of Opposition, and accordingly denies these allegations.

7. Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 7 of the First Amended Notice of Opposition, and accordingly denies these allegations.

8. Applicant admits that it is the owner of Application Serial No. 88/462,400 which was filed on June 6, 2019 for the mark CANNABIOTICS in Class 1, and that the identification of goods currently lists “mold inhibiting chemicals for preventing growth of mold, none of the foregoing containing cannabis.” Except as expressly admitted, Applicant denies each and every

remaining allegation contained in Paragraph 8 of the First Amended Notice of Opposition.

9. Applicant admits that Applicant's application to register Applicant's Mark and the planned use of Applicant's Mark are without the consent of Opposer. However, Applicant denies that any such consent or any other approval is required.

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

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

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 First Amended Notice of Opposition to allege additional affirmative defenses in the event that discovery of additional information indicates they are appropriate.

FIRST AFFIRMATIVE DEFENSE

The First Amended Notice of Opposition, including each and every claim alleged therein, fails to state a claim upon which relief can be granted.

Applicant reserves the right to assert any and all affirmative defenses or counterclaims that may presently exist or become available at a future date through further factual investigation or during discovery.

WHEREFORE, Applicant requests that the First Amended Notice of Opposition be dismissed in its entirety.

Respectfully submitted,

KNOBBE MARTENS OLSON & BEAR, LLP

Date: January 22, 2021

By: /Bita Kianian/
Jonathan A. Menkes
Bita Kianian
Knobbe Martens Olson & Bear, LLP
2040 Main Street, 14th Floor
Irvine, California 92614
efiling@knobbe.com
Tel: (949) 760-0404
Fax: (949) 760-9502
Attorneys for Applicant,
Homebiotic, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **ANSWER TO FIRST AMENDED NOTICE OF OPPOSITION** has been served on Opposer's counsel by forwarding said copy on January 22, 2021 via email to:

Jonathan S. Jennings
PATTISHALL, MCAULIFFE, NEWBURY, HILLIARD & GERALDSON LLP
jsj@pattishall.com
docket@pattishall.com
pb@pattishall.com
jrp@pattishall.com
lrb@pattishall.com

/Sarah Couvillion/

Sarah Beno Couvillion