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

Proceeding	91267373
Party	Defendant The Fynder Group, Inc.
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Date	03/12/2021
Attachments	2021.03.12 Answer to Notice of Opposition.pdf(150137 bytes)

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

IN THE MATTER OF APPLICATION SERIAL NO.: 88/812,151

MARK: NATURE'S FYND

PUBLISHED IN THE OFFICIAL GAZETTE ON: December 8, 2020

Nature's Bakery, LLC
Opposer,

v.

The Fynder Group, Inc.
Applicant.

OPPOSITION NO. 91267373

**APPLICANT'S ANSWER AND AFFIRMATIVE DEFENSES TO OPPOSER'S NOTICE
OF OPPOSITION**

Applicant, The Fynder Group, Inc, by and through its attorneys, hereby answers the allegations set forth in the Notice of Opposition as follows:

1. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 1 and, therefore, denies the same. Furthermore, Applicant denies the allegations of Paragraph 1 of the Notice of Opposition.
2. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 2 and, therefore, denies the same. Furthermore, Applicant denies the allegations of Paragraph 2 of the Notice of Opposition.
3. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 3 and, therefore, denies the same.
4. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 4 and, therefore, denies the same.

5. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 5 and, therefore, denies the same.
6. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 6 and, therefore, denies the same.
7. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 7 and, therefore, denies the same.
8. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 8 and, therefore, denies the same.
9. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 9 and, therefore, denies the same.
10. Applicant admits the allegations in Paragraph 10 of the Notice of Opposition.
11. Applicant admits the allegations in Paragraph 11 of the Notice of Opposition.
12. Applicant admits the allegations in Paragraph 12 of the Notice of Opposition.
13. Paragraphs 1 – 12 are responded to as set forth above.
14. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 14 and, therefore, denies the same.
15. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 15 and, therefore, denies the same. Furthermore, Applicant denies the allegations of Paragraph 15 of the Notice of Opposition.
16. Applicant denies the allegations of Paragraph 16 of the Notice of Opposition.
17. Applicant denies the allegations of Paragraph 17 of the Notice of Opposition.
18. Applicant denies the allegations of Paragraph 18 of the Notice of Opposition.
19. Paragraphs 1 – 18 are responded to as set forth above.

20. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 20 and, therefore, denies the same.
21. Applicant lacks knowledge or information sufficient to form a belief about the truth of the allegations in Paragraph 21 and, therefore, denies the same. Furthermore, Applicant denies the allegations of Paragraph 21 of the Notice of Opposition.
22. Applicant denies the allegations of Paragraph 22 of the Notice of Opposition.
23. Applicant denies the allegations of Paragraph 23 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

Applicant asserts the following affirmative defenses to Opposer's requested relief.

Applicant reserves the right to raise additional defenses and/or plead counterclaims if warranted based on the facts learned in discovery or upon further investigation.

1. Opposer fails to state a claim upon which relief can be granted.
2. Opposer has no legal basis for opposing Trademark Application Serial No. 88/812,151.
3. As Opposer's mark "NATURE'S BAKERY" has a vastly different meaning than Applicant's mark "NATURE'S FYND", Opposer's assertion of a likelihood of confusion in this opposition exceeds the scope of rights legitimately held by Opposer, if any.
4. Opposer's mark "NATURE'S BAKERY" is not famous.
5. Opposer's mark "NATURE'S BAKERY" coexists with hundreds of third party U.S. registrations for marks that contain the word "NATURE'S" for food products.
6. As Opposer's mark is not famous and coexists with hundreds of third party U.S. registrations for marks that contain the word "NATURE'S" for food products, Opposer's assertion of dilution in this opposition exceeds the scope of rights legitimately held by Opposer, if any.

7. Opposer has filed approximately 19 opposition proceedings since 2018.
8. Upon information and belief, Opposer habitually files oppositions against U.S. trademark applications for marks that contain the word “NATURE’S” for food products.
9. Opposer has unclean hands due to Opposer’s habitual opposition practice and should be denied all relief sought in the Notice of Opposition.
10. Applicant will be irreparably damaged by the granting of the opposition in view of the Affirmative Defenses 1- 9.

WHEREFORE, Applicant respectfully requests Opposition No. 91267373 be dismissed and U.S. Application No. 88/812,151 be approved for registration.

Respectfully Submitted,

Date: March 12, 2021

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and complete copy of the foregoing APPLICANT’S ANSWER AND AFFIRMATIVE DEFENSES TO OPPOSER’S NOTICE OF OPPOSITION was served by e-mail, as prescribed in 37 C.F.R. § 2.119, on this March 12, 2021, upon Opposer’s current attorney of record:

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