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

Proceeding	91268149
Party	Defendant Milk Care Co. Inc.
Correspondence Address	PAUL R. TREMBLAY-TMCP-BOS BC LEGAL SERVICES LAB 885 CENTRE STREET NEWTON, MA 02459 UNITED STATES Primary Email: paul.tremblay@bc.edu Secondary Email(s): anvita.baldota@bc.edu 617-552-0256
Submission	Answer
Filer's Name	Paul R. Tremblay
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Signature	/Paul Tremblay/
Date	04/20/2021
Attachments	Answer to Opposition 91268149--Harmony.pdf(138173 bytes)

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

Medela Holding AG,

Opposer,

v.

Milk Care Co. Inc.,

Applicant

Opposition No. 91268149

Mark: Harmony

Serial No. 90295296

ANSWER TO NOTICE OF OPPOSITION

The following is the Answer of Milk Care Co., Inc. (“Applicant”), applicant for the mark HARMONY, filed by and through counsel, to the Notice of Opposition filed on March 13, 2021 by Medela Holding AG (“Opposer”), and assigned Opposition No. 91268149.

1. Admitted.
2. Admitted.
3. Admitted.
4. Admitted.
5. Denied, as Applicant is without knowledge or information sufficient to form a belief as to confusing similarity of the mark set forth in Registration No. 4903202 and the mark set forth in application Serial No. 90295296.

6. Denied.
7. Denied, as Applicant is without knowledge or information sufficient to form a belief as to whether the conditions surrounding the marketing of the goods set forth in Registration No. 4903202 and the goods set forth in application Serial No. 90295296 are such that they could be encountered by the same purchasers under circumstances that could give rise to the mistaken belief that the goods come from a common source.
8. Denied, as Applicant is without knowledge or information sufficient to form a belief whether the mark set forth in Registration No. 4903202 was first used in commerce prior any actual use or constructive use of the mark set forth in application Serial No. 90295296.
9. Denied, as Applicant is without knowledge or information sufficient to form a belief whether the mark set forth in Registration No. 4903202 has been in continuous use in commerce since at least as early as February 23, 2016 and is still in use in commerce in connection with the goods set forth therein.
10. Denied.

Applicant reserves the right to plead affirmative defenses and other defenses should any such defenses be revealed by discovery in this case.

Applicant hereby appoints Paul R. Tremblay, Boston College Legal Services LAB, a member in good standing of the Bar of Massachusetts, to act as attorney in the instant proceeding, to prosecute said proceeding, to transact all business before the Trademark Trial and Appeal Board, to sign his name to all papers which are to be filed in connection therewith, and to receive all communications relating to the same.

Wherefore, Applicant respectfully requests that the Trademark Trial and Appeal Board deny the Notice of Opposition and allow the registration of U.S. Trademark Application Serial No. 90295296.

Dated: April 20, 2021

Respectfully submitted.

/Paul R Tremblay/

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Attorney for Applicant,
Milk Care Co., Inc.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing Answer has been served on James R Menker, Holley & Menker, PA, PO Box 331937, Atlantic Beach, FL 32233 by forwarding said copy on April 20, 2021, via electronic mail to: eastdocket@holleymenker.com.

Signature: /Paul R Tremblay/

Date: April 20, 2021