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

Proceeding	91269161
Party	Defendant CFC of Georgia, Inc.
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Date	06/14/2021
Attachments	Answer - TEA FOR EVERYDAY WELLNESS.pdf(295698 bytes )

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

Traditional Medicinals, Inc.	)	
	)	Opposition No.: 91269161
	)	
v.	)	Application Nos.: 90/211,937
	)	
CFC of Georgia, Inc.	)	Mark: TEA FOR EVERYDAY
	)	WELLNESS
	)	
Applicant.	)	
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	)	
	)	
	)	
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**ANSWER**

CFC of Georgia, Inc. ("Applicant"), through its undersigned counsel, hereby answers the Notice of Opposition of Traditional Medicinals, Inc. ("Opposer"). Applicant answers the numbered allegations of the Notice of Opposition as follows. Unless expressly admitted herein, each allegation contained in the Notice of Opposition is denied:

1. Applicant lacks information or knowledge sufficient to form a belief as to the truth of the allegations of paragraph 1, and therefore denies those allegations.
2. Applicant lacks information or knowledge sufficient to form a belief as to the truth of the allegations of paragraph 2, and therefore denies those allegations.
3. Applicant admits the allegations of paragraph 3.
4. Applicant admits the allegations of paragraph 4.
5. Applicant lacks information or knowledge sufficient to form a belief as to the truth of the allegations of paragraph 5, and therefore denies those allegations.

6. In responding to paragraph 6, Applicant admits only so much that may allege that, according to the records of the United States Patent and Trademark Office ("USPTO"), Opposer was the owner of Registration No. 4,278,675 for the word and design mark "Traditional Medicinals Since 1974 Wellness Teas," and that such registration contained a disclaimer of "wellness teas" apart from the mark, and that the word "teas" is generic for goods recited in such registration. Applicant further admits that Exhibit A in the Notice of Opposition appears to be a TESS printout from USPTO records, and that such copy appears to be true and correct. Applicant denies, or lacks information or knowledge sufficient to form a belief as to the truth of and therefore denies, any remaining allegations of paragraph 6.

7. In responding to paragraph 7, Applicant admits only that it may seek to prevent others from using the trademark TEA FOR EVERYDAY WELLNESS, or any confusingly similar mark. Applicant lacks information or knowledge sufficient to form a belief as to the truth of the allegation that Opposer, its competitors, and the general public have used the designation "tea for everyday wellness," and therefore denies such allegation. Applicant denies the remaining allegations of paragraph 7.

8. Applicant denies the allegations of paragraph 8.

9. In responding to paragraph 9, Applicant admits only that it has not shown at the USPTO that the designation TEA FOR EVERYDAY WELLNESS has acquired distinctiveness; but Applicant alleges that because such mark is inherently distinctive there is no need for Applicant to show acquired distinctiveness for purposes of trademark registration. Applicant denies the other allegations of paragraph 9.

10. In responding to paragraph 10, Applicant admits only that, upon information and belief, Bigelow advertises an "Every Day Wellness Gift Box." Applicant lacks information or

knowledge sufficient to form a belief as to the truth of the remaining allegations of paragraph 10, and therefore denies those allegations.

11. Applicant denies the allegations of paragraph 11.
12. Applicant denies the allegations of paragraph 12.
13. Applicant denies the allegations of paragraph 13.
14. Applicant denies the allegations of paragraph 14.
15. Applicant denies the allegations of paragraph 15.

WHEREFORE, having fully answered the Notice of Opposition, Applicant prays that this opposition be dismissed, with prejudice, and for such other and further relief as the Trademark Trial and Appeal Board may deem just and proper.

Respectfully submitted by:

NELSON MULLINS RILEY & SCARBOROUGH LLP

Dated: June 14, 2021

By: /cgz/

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*Attorneys for CFC of Georgia, Inc.*

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing **ANSWER** has been served on Traditional Medicinals, Inc. by forwarding said copy on June 14, 2021, via email to the attorney of record for Traditional Medicinals, Inc. as follows:

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Dated: June 14, 2021

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/cgz/  
Charles G. Zug