

ESTTA Tracking number: **ESTTA1268858**

Filing date: **02/28/2023**

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

Proceeding no.	91270810
Party	Defendant WITRON Logistik + Informatik GmbH
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Date	02/28/2023
Attachments	OPM Opposition - Answer.pdf(236574 bytes )

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

Sacmi Packaging & Chocolate S.P.A.,  Opposer,  v.  WITRON Logistik + Informatik GmbH,  Applicant.	Opposition No. 91270810  Mark: OPM  Ser. No. 79277811  Filing Date: November 21, 2019
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**ANSWER TO NOTICE OF OPPOSITION**

Applicant WITRON Logistik + Informatik GmbH (“Applicant”), by its counsel, hereby answers the Notice of Opposition (“Notice”) of Sacmi Packaging & Chocolate S.P.A. (“Opposer”) as follows:

**ANSWER**

Applicant denies that Opposer is or will be damaged by the registration of the mark that is the subject of Application Ser. No. 79277811.

1. Applicant admits the allegations contained in Paragraph 1 of the Notice.
2. The records of the USPTO speak for themselves.
3. The records of the USPTO speak for themselves. Applicant lacks sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 3 of the Notice, and on that basis, denies these allegations.
4. The records of the USPTO speak for themselves. Applicant lacks sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 4 of the Notice, and on that basis, denies these allegations.
5. The records of the USPTO speak for themselves. Applicant lacks sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 5 of the Notice, and on that basis, denies these allegations.

6. The records of the USPTO speak for themselves. Applicant lacks sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 6 of the Notice, and on that basis, denies these allegations.

7. Applicant admits the allegations contained in Paragraph 7 of the Notice.

8. Applicant admits the allegations contained in Paragraph 8 of the Notice.

9. The records of the USPTO speak for themselves. Applicant lacks sufficient information to form a belief as to the truth of the remaining allegations contained in Paragraph 9 of the Notice, and on that basis, denies these allegations.

10. Applicant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 10 of the Notice, and on that basis, denies these allegations.

11. Applicant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 11 of the Notice, and on that basis, denies these allegations.

12. Applicant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 12 of the Notice, and on that basis, denies these allegations.

13. Applicant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 13 of the Notice, and on that basis, denies these allegations.

14. Applicant lacks sufficient information to form a belief as to the truth of the allegations contained in Paragraph 14 of the Notice, and on that basis, denies these allegations.

15. Applicant denies the allegations contained in Paragraph 15 of the Notice.

**COUNT ONE: LIKELIHOOD OF CONFUSION**

16. Applicant denies the allegations contained in Paragraph 16 of the Notice.

17. Applicant denies the allegations contained in Paragraph 17 of the Notice.

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

**AFFIRMATIVE DEFENSES RESERVED**

Applicant reserves the right to raise affirmative defenses based on information learned or obtained through additional information or discovery.

Respectfully submitted,

Dated: February 28, 2023

By: /s/  
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*Attorneys for Applicant*  
*WITRON Logistik + Informatik GmbH*

**CERTIFICATE OF SERVICE**

I hereby certify that on February 28, 2023, this **ANSWER TO NOTICE OF OPPOSITION** was served on Wesley W. Whitmyer Jr., counsel for Opposer, by forwarding said copy via email to:

Wesley W. Whitmyer Jr.  
Robert D. Keeler  
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/s/  
Charles P. Bacall