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

Proceeding	91271753
Party	Defendant TWO- A - DAYS
Correspondence Address	JOHN WEAVER TWO-A-DAYS, LLC 1919 MCKINNEY AVE. DALLAS, TX 75201 UNITED STATES Primary Email: john@twoadayswater.com Secondary Email(s): texas2adays@gmail.com (972) 765-3720
Submission	Answer
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Date	11/29/2021
Attachments	Answer.pdf(114635 bytes)

**IN THE UNITED STATES PATNET AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APAL BOARD**

Bayer HealthCare LLC	§	
Opposer,	§	
	§	
vs.	§	Opposition No. 91271753
	§	
Two A Days LLC	§	
Applicant	§	
	§	

ANSWER TO PLAINTIFF’S COMPLAINT

Applicant, Two-A-Days LLC, (“Applicant”), through counsel, answers the Opposition of Bayer HealthCare LLC. (“Opposer”) as set forth below.

1. Applicant admits that Opposer has engaged in advertising and sales of vitamins. Applicant lacks knowledge sufficient to form a belief as to the remaining allegations of Paragraph 1, specifically with regard to “many years” and specifically with regard to nutritional and probiotic supplements, and therefore denies the remaining allegations of Paragraph 1.

2. Applicant admits that Opposer has used the trademark ONE A DAY in commerce in connection with advertising, promotion and sale of vitamins throughout the United States. Applicant lacks knowledge sufficient to forma belief as to the remaining allegations of Paragraph 2, specifically with regard to “long prior to the claimed first use date” and the promotion and sale of nutritional supplements and probiotic supplements, and therefore denies the remaining allegations of Paragraph 2.

3. Applicant admits the allegations of Paragraph 3.

4. Applicant admits that Opposer owns at some goodwill symbolized by its ONE A DAY trademark. Applicant lacks sufficient knowledge as to the remaining allegations of Paragraph 4, specifically with regard to whether the goodwill is valuable, and with regard to the

“extensive sales, advertising, and promotion”, and therefore denies the remaining allegations of Paragraph 4.

5. Applicant lacks sufficient knowledge as to the allegations of Paragraph 5, and accordingly denies the allegations of Paragraph 5.

6. Applicant admits the allegations of Paragraph 6.

7. Applicant admits the allegations of Paragraph 7.

8. Applicant denies the allegations of Paragraph 8.

9. Applicant denies the allegations of Paragraph 9.

10. Applicant admits the allegations of Paragraph 10.

Dated: November 29, 2021

Respectfully submitted,

/Beth A. Felix/

Beth Ann Felix

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ATTORNEY FOR APPLICANT

Certificate for Service

Pursuant to TBMP Rule 311, by my signature above, I hereby certify that a true and correct copy of the foregoing document was sent on November 29, 2021 by email to all counsel of record as follows:

Phillip Barengolts

pb@pattishal.com