

ESTTA Tracking number: **ESTTA1186491**

Filing date: **01/24/2022**

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

Proceeding no.	91273518
Party	Defendant Hydr8 Organics
Correspondence address	CLAY MCGURK THE LAW OFFICE OF CLAY MCGURK P.O. BOX 1488 ORANGE, CA 92856 UNITED STATES Primary email: claymcgurk@gmail.com 949-395-3942
Submission	Answer
Filer's name	Clay McGurk
Filer's email	claymcgurk@gmail.com
Signature	/Clay McGurk/
Date	01/24/2022
Attachments	91273518_Answer.pdf(161798 bytes)

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

Hydrox Chemical Company, Inc.)	
)	
Opposer,)	
)	
v.)	Opposition No. <u>91273518</u>
)	
Hydr8 Organics)	
)	
)	Applicant's Mark: <u>90259407</u>
Applicant.)	
)	

ANSWER

Applicant **Hydr8 Organics**, by its counsel, responds as follows to the Notice of Opposition filed herein for the Opposition identified above.

1. Admitted.

2. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 2 in the Notice of Opposition and therefore denies the same.

3. Denied.

4-8. Applicant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraphs 4-8 in the Notice of Opposition and therefore denies the same.

9. Admitted.

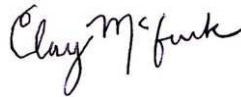
10-15. Denied.

AFFIRMATIVE DEFENSES

1. Applicant's Mark is entitled to registration because Applicant filed its application **90259407** before the filing of Opposer's U.S. Appl. **90302056** and has priority as to goods involving, beauty cosmetics; hair care products, namely, shampoo and conditioner; skin care products, namely, moisturizers and cleansers; nail products, namely, nail polish; hair oils; skin and body topical lotions, creams and oils for cosmetic use; all made in whole or in part of BIOTIN, IRON, OMEGA 3 FATTY ACIDS, B VITAMINS, VITAMIN C, ZINC and organic materials.

WHEREFORE, Applicant prays that judgment be entered in favor of Applicant and against Opposer, and that this Opposition be dismissed with prejudice.

Respectfully Submitted,



Dated: January 24, 2022

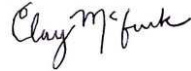
Clay McGurk
Attorney for Applicant
CA Bar Member 238727

THE LAW OFFICE OF CLAY MCGURK
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CERTIFICATE OF SERVICE

On **January 24, 2022**, in Opposition **91273518**, I hereby certify that a true and complete copy of the **ANSWER** has been served via email to the following email accounts:

ulauricia@pearne.com,
tmocket@pearne.com,
dpeterlin@pearne.com,
nperichak@pearne.com



Clay McGurk