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Filing date: **02/15/2022**

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

Proceeding no.	91273877
Party	Defendant 14526 Golden Bakery, LLC
Correspondence address	ARNOLD S. WEINTRAUB THE WEINTRAUB GROUP, P.L.C. 24901 NORTHWESTERN HWY., SUITE 311 SOUTHFIELD, MI 48075 UNITED STATES Primary email: ipdocket@weintraubgroup.com 248-809-2005
Submission	Answer
Filer's name	Arnold S. Weintraub
Filer's email	ipdocket@weintraubgroup.com
Signature	/Arnold S. Weintraub/
Date	02/15/2022
Attachments	Answer to Notice of Opp - GOLDEN BAKERY FINAL.pdf(114380 bytes)

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

GOLDEN BAKERY, INC.; GOLDEN BAKERY, LLC; Hassan A. Khreis, Opposers v. 14526 GOLDEN BAKERY, LLC, Applicant.	Opposition No.: 91273877 Application Serial No.: 87929867 Mark: GOLDEN BAKERY Filing Date: May 21, 2018 Publication Date: November 9, 2021
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APPLICANT’S ANSWER TO THE NOTICE OF OPPOSITION

14526 GOLDEN BAKERY, LLC, a Michigan limited liability company (“Applicant”) by and through their counsel of record as noted below, answers Golden Bakery, Inc., a Michigan Corporation (“Golden Bakery, Inc.”), Golden Bakery and Grill, a Michigan limited liability company (“Golden Bakery and Grill LLC”), and Hassan A. Khreis, an individual residing in Michigan (“Khreis”) (“Opposers”) Notice of Opposition as follows:

1. Answering Paragraph 1 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the same.

2. Answering Paragraph 2 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the same.
3. Answering Paragraph 3 of the Notice of Opposition, Applicant admits the allegations contained therein.
4. Answering Paragraph 4 of the Notice of Opposition, Applicant admits the allegations contained therein.
5. Answering Paragraph 5 of the Notice of Opposition, Applicant admits the allegations contained therein.
6. Answering Paragraph 6 of the Notice of Opposition, Applicant admits the allegations contained therein.
7. Answering Paragraph 7 of the Notice of Opposition, Applicant admits the allegations contained therein.
8. Answering Paragraph 8 of the Notice of Opposition, Applicant admits the allegations contained therein.
9. Answering Paragraph 9 of the Notice of Opposition, Applicant admits the allegations contained therein.
10. Answering Paragraph 10 of the Notice of Opposition, Applicant admits the allegations contained therein.

11. Answering Paragraph 11 of the Notice of Opposition, Applicant admits the allegations contained therein.
12. Answering Paragraph 12 of the Notice of Opposition, Applicant denies the allegations contained therein.
13. Answering Paragraph 13 of the Notice of Opposition, Applicant denies the allegations contained therein.
14. Answering Paragraph 14 of the Notice of Opposition, Applicant denies the allegations contained therein.
15. Answering Paragraph 15 of the Notice of Opposition, Applicant denies the allegations contained therein.
16. Answering Paragraph 16 of the Notice of Opposition, Applicant denies the allegations contained therein.
17. Answering Paragraph 17 of the Notice of Opposition, Applicant denies the allegations contained therein.
18. Answering Paragraph 18 of the Notice of Opposition, Applicant denies the allegations contained therein.
19. Answering Paragraph 19 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the same.

PRIORITY AND LIKELIHOOD OF CONFUSION

20. The above paragraphs are hereby incorporated by reference.
21. Answering Paragraph 21 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the same.
22. Answering Paragraph 22 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the same.
23. Answering Paragraph 23 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein and accordingly denies the same.

NO USE OR OWNERSHIP & FRAUD

24. The above paragraphs are hereby incorporated by reference.
25. Answering Paragraph 25 of the Notice of Opposition, Applicant denies the allegations contained therein.
26. Answering Paragraph 26 of the Notice of Opposition, Applicant denies the allegations contained therein.
27. Applicant cannot parse the language of the paragraph in order to form an answer and therefore denies same.

28. Applicant cannot parse the language of the paragraph in order to form an answer and therefore denies same.

29. Answering Paragraph 29 of the Notice of Opposition, Applicant denies the allegations contained therein.

30. Answering Paragraph 30 of the Notice of Opposition, Applicant denies the allegations contained therein.

31. Answering Paragraph 31 of the Notice of Opposition, Applicant denies the allegations contained therein.

WRONG APPLICANT

32. The above paragraphs are hereby incorporated by reference.

33. Answering Paragraph 33 of the Notice of Opposition, Applicant admits that 14526 Golden Bakery, LLC was formed on or around 2016, which was after the alleged first use date in the Application. Applicant denies the remaining allegations contained therein.

34. Answering Paragraph 34 of the Notice of Opposition, Applicant denies the allegations contained therein.

35. Applicant hereby reserves the right to amend any pleadings as supported by evidence or otherwise permitted by the TMEP, TBMP, or Federal Rules of Civil Procedure.

REQUESTED RELIEF

36. Applicant requests that the Notice of Opposition be dismissed with prejudice and U.S. Trademark Serial No. 87929867 be advanced to registration, and any further relief as may be deemed proper.

Respectfully submitted,

Dated: February 15, 2022

By: /Arnold S. Weintraub/
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AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

37. The Notice of Opposition fails to state a sufficient basis on which to oppose the registration of Applicant's mark and fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

38. Opposers lack standing to oppose the Application.

THIRD AFFIRMATIVE DEFENSE

39. Opposers' claims are barred, either in whole or in part, because of Opposers' laches, unclean hands, or other principles of equity and fairness that bar it from obtaining equitable relief.

FOURTH AFFIRMATIVE DEFENSE

40. Opposers have no valid and enforceable rights and have abandoned their rights in and to their alleged marks upon which they rely for the Opposition.

FIFTH AFFIRMATIVE DEFENSE

41. Opposers' allegations of wrongful acts/conduct and/or breaches by Applicant did not occur as stated or did not occur at all.

42. Applicant reserves the right to rely on such other and further defenses as may be supported by facts to be developed through comprehensive discovery and to amend its Answer accordingly to assert such defenses.

REQUESTED RELIEF

43. Applicant requests that the Notice of Opposition be dismissed with prejudice and U.S. Trademark Serial No. 87929867 be advanced to registration, and any further relief as may be deemed proper.

Respectfully submitted,

Dated: February 15, 2022

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CERTIFICATE OF SERVICE

I hereby certify that on February 15, 2022, I electronically filed the foregoing Answer to Notice of Opposition paper with the Electronic System for Trademark Trials and Appeals (ESTTA) with notification to all attorneys of record as follows:

Michael T. Fluhler
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Respectfully submitted,

Dated: February 15, 2022

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