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

Proceeding no.	91287431
Party	Defendant BW Essentials LLC
Correspondence address	JONATHAN A MENKES KNOBBE MARTENS OLSON & BEAR LLP 2040 MAIN STREET 14TH FLOOR IRVINE, CA 92614 UNITED STATES Primary email: efiling@knobbe.com 949-760-0404
Submission	Answer
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Date	03/15/2024
Attachments	2024-03-15 Answer to TROOMY Opposition- BWE.003M.pdf(127167 bytes)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

TROOP NUTRITION, INC.,

Opposer,

v.

BW ESSENTIALS LLC,

Applicant.

)
) Opposition No.: 91287431

)
) Serial No.: 97/591430

) Mark: **troomy**

)
) Serial No.: 97/591423

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) Mark: **troomy**
 NOOTROPICS

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) Serial No.: 97/834082

) Mark: TROOMY NOOTROPICS

)
) Serial No.: 97/834056

) Mark: TROOMY

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

Applicant BW Essentials LLC (“Applicant”) hereby answers the Notice of Opposition (“Opposition”) filed by Troop Nutrition, Inc. (“Opposer”) against U.S. Trademark Application Serial Nos. 97/591430, 97/591423, 97/834082, and 97/834056 (“the Applications”) as follows:

1. Applicant admits the allegations contained in Paragraph 1 of the Opposition.
2. Applicant admits the allegations contained in Paragraph 2 of the Opposition.
3. Applicant admits the allegations contained in Paragraph 3 of the Opposition.
4. Applicant admits the allegations contained in Paragraph 4 of the Opposition.

5. Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 5 of the Opposition and therefore denies these allegations.

6. Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 6 of the Opposition and therefore denies these allegations.

7. Applicant admits that based on publicly available USPTO records, Opposer appears to be the listed owner of Application Serial No. 90/731,049 for the mark TROOP in standard characters in International Classes 5 and 30, as alleged in Paragraph 7 of the Opposition.

8. Applicant admits that based on publicly available USPTO records, Opposer appears to be the listed owner of Application Serial No. 97/753,680 for the mark TROOP in stylized form in International Classes 5, 30, and 35, as alleged in Paragraph 8 of the Opposition.

9. Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 9 of the Opposition and therefore denies these allegations.

10. Applicant denies the allegations contained in Paragraph 10 of the Opposition.

11. Applicant denies the allegations contained in Paragraph 11 of the Opposition.

12. Applicant denies the allegations contained in Paragraph 12 of the Opposition.

13. Applicant denies the allegations contained in Paragraph 13 of the Opposition.

14. Applicant admits the allegations contained in Paragraph 14 of the Opposition.

15. Applicant is without sufficient knowledge or information to form a belief as to the truth or falsity of the allegations contained in Paragraph 15 of the Opposition and therefore

denies these allegations.

AFFIRMATIVE DEFENSES

Applicant has not yet identified affirmative defenses to assert in this proceeding. However, Applicant reserves the right to amend its Answer to the Opposition to allege affirmative defenses in the event that discovery of additional information indicates they are appropriate.

Respectfully submitted,

KNOBBE, MARTENS, OLSON & BEAR, LLP

Dated: March 15, 2024

By: /Rachel J. Zacuto/

Jonathan A. Menkes
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(949) 760-0404

Attorneys for Applicant,
BW Essentials LLC

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION has been served on the Opposer's counsel of record on March 15, 2024 via electronic mail to:

Matthew G. Miller
LERNER DAVID LLP

mmiller@lerner david.com; litigation@lerner david.com

Signature: Melissa Munden

Name: Melissa Munden

Date: March 15, 2024