

ESTTA Tracking number: **ESTTA1490268**Filing date: **01/15/2026**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding no.	91298089
Party	Defendant Melcare Medical Pty Ltd.
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Submission	Answer
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Date	01/15/2026
Attachments	Answer - MCT v Melcare Medical - 91298089.pdf(66102 bytes)

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

MANUKA CHARITABLE TRUST,

Opposer,

Opposition No. 91298089

v.

MELCARE MEDICAL PTY LTD,

Applicant.

ANSWER

Applicant Melcare Medical Pty Ltd, by its undersigned counsel, for its Answer to the Notice of Opposition in this proceeding, 1 TTABVUE, and pursuant to the Order entered December 31, 2025, 11 TTABVUE, admits, denies, and alleges as follows, with each paragraph number below corresponding to the same numbered paragraph in the Notice of Opposition:

1. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 1 of the Notice of Opposition and therefore denies the same.
2. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 2 of the Notice of Opposition and therefore denies the same.
3. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 3 of the Notice of Opposition and therefore denies the same.
4. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 4 of the Notice of Opposition and therefore denies the same.
5. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 5 of the Notice of Opposition and therefore denies the same.

6. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 6 of the Notice of Opposition and therefore denies the same.

7. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 7 of the Notice of Opposition and therefore denies the same.

8. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 8 of the Notice of Opposition and therefore denies the same.

9. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 9 of the Notice of Opposition and therefore denies the same.

10. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 10 of the Notice of Opposition and therefore denies the same.

11. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 11 of the Notice of Opposition and therefore denies the same.

12. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 12 of the Notice of Opposition and therefore denies the same.

13. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 13 of the Notice of Opposition and therefore denies the same.

14. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 14 of the Notice of Opposition and therefore denies the same.

15. Applicant denies that it uses the term “Mānuka,” or that it otherwise trades off of Māori cultural heritage in any way, the truth of the matter being that Applicant (and many other Australian producers) use the term “manuka” without the macron, a word that has no meaning in the Māori language and that has been used in Australia and elsewhere for over 150 years to refer to the *Leptospermum scoparium* plant native to Australia as well as New Zealand. Applicant is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of Paragraph 15 of the Notice of Opposition and therefore denies the same.

16. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 16 of the Notice of Opposition and therefore denies the same.

17. Admitted on information and belief.

18. Admitted that an article can be accessed at <https://www.nature.com/articles/s41538-018-0016-6>, and that the article itself is the best evidence of its contents and speaks for itself.

19. In response to the allegations of Paragraph 19 of the Notice of Opposition, Applicant states that the article itself is the best evidence of its contents and speaks for itself.

20. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 20 of the Notice of Opposition and therefore denies the same.

21. Applicant denies that the nature.com article outlines any quality standards, and is without sufficient knowledge or information to form a belief as to the truth of the remaining allegations of Paragraph 21 of the Notice of Opposition and therefore denies the same.

22. Admitted that on December 15, 2020, Applicant filed Application Serial No.

79302993 requesting an extension of protection pursuant to Section 66(a) of the Lanham Act for International Registration Number 1572441 for the standard character mark RHINOMEL MANUKA+. Except as so admitted, the allegations Paragraph 22 of the Notice of Opposition are denied.

23. Admitted.

24. Admitted.

25. Admitted that as published for opposition, Application Serial No. 79302993 identifies Applicant's goods as "Pharmaceutical preparation for the respiratory tract, for the prevention of diseases; pharmaceutical preparation for the respiratory tract, for the treatment of diseases, all of the foregoing containing honey sourced from the flower of the L. Scoparium tree originating from all regions, including Australia and New Zealand." Except as so admitted, the allegations of Paragraph 22 of the Notice of Opposition are denied.

COUNT I

26. through 34. This claim has been dismissed, 11 TTABVUE 5-8, and therefore no response to these allegations is required.

COUNT II

35. Applicant incorporates by reference the preceding allegations of this Answer.

36. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 36 of the Notice of Opposition and therefore denies the same.

37. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 37 of the Notice of Opposition and therefore denies the same.

38. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 38 of the Notice of Opposition and therefore denies the same.

39. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 39 of the Notice of Opposition and therefore denies the same.

40. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 40 of the Notice of Opposition and therefore denies the same.

41. Applicant is without sufficient knowledge or information to form a belief as to the truth of the allegations of Paragraph 41 of the Notice of Opposition and therefore denies the same.

42. Denied.

43. Denied.

44. Denied.

COUNT III

45. through 54. This claim has been dismissed, 11 TTABVUE 11-13, and therefore no response to these allegations is required.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed without relief thereon to Opposer, and that Application Serial No. 79302993 proceed to registration.

Dated: January 16, 2026

Respectfully submitted,

/Rodrick J. Enns/

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Attorney for Applicant Melcare Medical Pty Ltd

CERTIFICATE OF SERVICE

I hereby certify that on this date I served a true and complete copy of the foregoing ANSWER on counsel of record for Opposer by forwarding the same via email to:

Ethan Vodde
ethan@voddeip.com
Attorney of record for Opposer

This the 16th day of January, 2026.

/Rodrick J. Enns/
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