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

Proceeding	92067273
Party	Plaintiff Dolcas Biotech, LLC
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Submission	Answer to Counterclaim
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Date	02/28/2018
Attachments	Answer.pdf(185312 bytes )

I hereby certify that this correspondence is being transmitted via the United States Patent & Trademark Office Trademark Trial and Appeal Board's Electronic System for Trademark Trial and Appeals (ESTTA) on February 28, 2018.

Signature: Carolyn A. Galgano  
Carolyn A. Galgano

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

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DOLCAS BIOTECH, LLC )  
 )  
Petitioner, )  
 ) Cancellation No. 92067273  
v. )  
 )  
BOSTON BIOPHARM, INC. )  
 )  
Registrant. )  
-----X

**PETITIONER'S ANSWER TO REGISTRANT'S COUNTERCLAIM TO CANCEL  
PETITIONER'S REGISTRATION NO. 3,221,204**

DOLCAS BIOTECH, LLC ("Petitioner"), through its counsel, hereby Answers BOSTON BIOPHARM, INC.'s ("Registrant") Counterclaim to Cancel Petitioner's Registration No. 3,221,204 ("Counterclaim"), as follows:

1. Petitioner admits the allegations in paragraph 10 of Registrant's Counterclaim to the extent that the United States Patent and Trademark Office's ("USPTO") records show Registrant is listed as the owner of U.S. Trademark Registration No. 5,209,646, which issued May 23, 2017 from an application having a filing date of November 21, 2013 for the mark BIOCURC listing the following goods, "Dietary and nutritional supplements; Dietetic foods, namely, dietary supplements adapted

for medical use". Petitioner is without information and knowledge sufficient to form a belief as to the truth of the remaining allegations in paragraph 10 of Registrant's Counterclaim and, therefore, denies the same.

2. Petitioner admits the allegations in paragraph 11 of Registrant's Counterclaim.
3. Petitioner admits the allegations in paragraph 12 of Registrant's Counterclaim to the extent that Petitioner registered in the USPTO on the Principal Register Registration No. 3,221,204 for BIO-CURCUMIN in Class 5. Petitioner denies paragraph 12 of Registrant's Counterclaim to the extent that the application for Petitioner's Registration was filed on October 15, 2007 and that the registration is for "Nutritional supplements in powder, tablet, and capsule form".
4. Petitioner denies the allegations in paragraph 13 of Registrant's Counterclaim.
5. Petitioner denies the allegations in paragraph 14 of Registrant's Counterclaim to the extent that Exhibit A comprises Petitioner's Registration No. 3,697,233 for ENHANCED BIO AVAILABLE CURCUMIN. Petitioner admits paragraph 14 of Registrant's Counterclaim to the extent that Petitioner's Registration No. 3,697,233 for ENHANCED BIO AVAILABLE CURCUMIN for "Dietary supplements in tablet, capsule, powder and liquid form," was filed on May 14, 2009 and registered on the Supplemental Register on October 13, 2009.
6. Petitioner admits the allegations in paragraph 15 of Registrant's Counterclaim.
7. Petitioner denies the allegations in paragraph 16 of Registrant's Counterclaim.
8. Petitioner denies the allegations in paragraph 17 of Registrant's Counterclaim.
9. Petitioner denies the allegations in paragraph 18 of Registrant's Counterclaim.

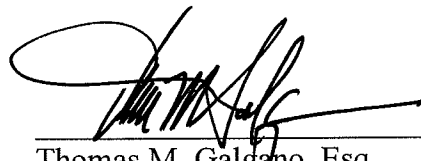
10. Petitioner is without information and knowledge sufficient to form a belief as to the truth of the allegations in paragraph 19 of Registrant's Counterclaim and, therefore, denies the same.
11. Petitioner is without information and knowledge sufficient to form a belief as to the truth of the allegations in paragraph 20 of Registrant's Counterclaim and, therefore, denies the same.
12. Petitioner is without information and knowledge sufficient to form a belief as to the truth of the allegations in paragraph 21 of Registrant's Counterclaim and, therefore, denies the same.
13. Petitioner denies the allegations in paragraph 22 of Registrant's Counterclaim.
14. Petitioner admits the allegations in paragraph 23 of Registrant's Counterclaim.
15. Petitioner is without information and knowledge sufficient to form a belief as to the truth of the allegations in paragraph 24 of Registrant's Counterclaim and, therefore, denies the same.
16. Petitioner is without information and knowledge sufficient to form a belief as to the truth of the allegations in paragraph 25 of Registrant's Counterclaim and, therefore, denies the same.
17. Petitioner is without information and knowledge sufficient to form a belief as to the truth of the allegations in paragraph 26 of Registrant's Counterclaim and, therefore, denies the same.
18. Petitioner denies the allegations in paragraph 27 of Registrant's Counterclaim.
19. Petitioner denies the allegations in paragraph 28 of Registrant's Counterclaim.

20. Petitioner denies the allegations in paragraph 29 of Registrant's Counterclaim.
21. Petitioner is without information and knowledge sufficient to form a belief as to what is meant by "identifies" in paragraph 30 of Registrant's Counterclaim and, therefore, denies the same, except to the extent that the goods identified in U.S. Registration No. 3,221,204 for BIO-CURCUMIN are "nutritional supplements in tablets, capsules, powder, soft get and granule form."
22. Petitioner denies the allegations in paragraph 31 of Registrant's Counterclaim.
23. Petitioner denies the allegations in paragraph 32 of Registrant's Counterclaim.
24. Petitioner denies the allegations in paragraph 33 of Registrant's Counterclaim.
25. Petitioner denies the allegations in paragraph 34 of Registrant's Counterclaim.

**WHEREFORE**, Petitioner prays that Registrant's Counterclaim be denied and dismissed with prejudice and that Registrant's U.S. Trademark Registration No. 5,209,646 be cancelled.

Respectfully submitted

DOLCAS BIOTECH, LLC



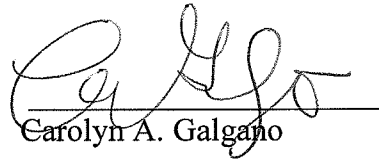
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Dated: February 28, 2018

**CERTIFICATE OF SERVICE**

I hereby certify that a true and complete copy of the foregoing PETITIONER'S ANSWER TO REGISTRANT'S COUNTERCLAIM TO CANCEL PETITIONER'S REGISTRATION NO. 3,221,204 has been served by forwarding said copy on February 28, 2018, via email to:

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Carolyn A. Galgano