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

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| Proceeding | 92077778 |
| Party | Defendant Windmill Health Products, LLC |
| Correspondence Address | WINDMILL HEALTH PRODUCTS, LLC 10 HENDERSON DR WEST CALDWELL, NJ 07006 UNITED STATES Primary Email: dstadlin@vitaquest.com 973-575-6591 |
| Submission | Answer |
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| Date | 09/20/2021 |
| Attachments | Registrant Answer 92077778.pdf(122768 bytes) |

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

Steel Warrior Technology LLC,
Petitioner,

v.

Windmill Health Products, LLC,
Registrant.

Cancellation No. 92077778

**REGISTRANT'S ANSWER TO
PETITION FOR CANCELLATION**

Registrant Windmill Health Products, LLC, a limited liability company organized and existing under the laws of the state of New Jersey (hereinafter, "Registrant"), by and through its undersigned counsel, answers the separately numbered allegations of the Petition for Cancellation filed by Petitioner Steel Warrior Technology LLC (hereinafter, "Cancellation" and "Petitioner", respectively) as follows:

1. Registrant admits that the United States Patent and Trademark Office records reflect that Registrant owns U.S. Trademark Registration No. 5,341,020 for the mark GARDEN ESSENTIALS, which was issued on November 21, 2017 for use in connection with

“dietary and nutritional supplements” in International Class 5 based on a date of first use of December 12, 2014.

2. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained within Paragraph 2 of the Cancellation and therefore denies the same.
3. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained within Paragraph 3 of the Cancellation and therefore denies the same.
4. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained within Paragraph 4 of the Cancellation and therefore denies the same.
5. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained within Paragraph 5 of the Cancellation and therefore denies the same.
6. Registrant is without knowledge or information sufficient to form a belief as to the truth of the allegations contained within Paragraph 6 of the Cancellation and therefore denies the same.
7. Registrant denies the allegations contained within Paragraph 7 of the Cancellation.
8. Registrant denies the allegations contained within Paragraph 8 of the Cancellation.
9. Registrant denies the allegations contained within Paragraph 9 of the Cancellation.
10. Registrant denies the allegations contained within Paragraph 10 of the Cancellation.

AFFIRMATIVE DEFENSES

First Affirmative Defense

The Cancellation fails to state a claim upon which relief can be granted to Petitioner.

Second Affirmative Defense

Registrant has not abandoned its rights, and has no intention of abandoning its rights, in and to the GARDEN ESSENTIALS mark.

Third Affirmative Defense

Petitioner's claims are barred by the equitable defenses of laches, acquiescence, estoppel, unclean hands, and/or waiver.

Fourth Affirmative Defense

Registrant hereby gives notice that it may rely on defenses that may become available or appear proper during discovery and hereby reserves its right to amend this Answer to assert any such defenses.

EPSTEIN DRANGEL, LLP

Dated: September 20, 2021

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CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing REGISTRANT’S ANSWER TO PETITION FOR CANCELLATION was served by e-mail on this 20th day of September, 2021 upon Petitioner’s counsel at the following address:

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Dated: September 20, 2021

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