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

Proceeding no.	91274140
Party	Defendant Mprezas Inc
Correspondence address	MPREZAS INC 470 W. LARCH RD SUITE 10 TRACY, CA 95304 UNITED STATES Primary email: dingod064@gmail.com No phone number provided
Submission	Answer
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Date	03/07/2022
Attachments	Answer of Applicant Mprezas.final.pdf(92665 bytes)

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

9
10 BELMORA LLC,) Opposition No. 91274140
11 Opposer,) Serial No. 90896029
12 v.) Mark: DESINFLAMAX
13 MPREZAS INC.)
14 Applicant.) **ANSWER TO NOTICE OF**
15 **OPPOSITION**

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1 Applicant MPREZAS, INC., erroneously sued MPREZAS INC.,
2 (“Applicant”) and through its undersigned counsel, answers the Notice of
3 Opposition [TTABVUE 1] (“Opposition”) by BELMORA LLC (“Opposer”) as
4 follows:

5 **NATURE OF THE ACTION**

6 1. *Opposer is a Virginia limited liability company, with a principal*
7 *place of business at 2011 Crystal Drive, Suite 400, Arlington, Virginia 22202.*

8 **ANSWER:**

9 Applicant lacks sufficient knowledge and information to enable it to admit
10 or deny the allegations of paragraph 1 of the Opposition and, on that basis, denies
11 those allegations.

12 2. *Upon information and belief, Applicant is a California corporation,*
13 *with an address of 470 W. Larch Road, Suite 10, Tracy, California 95304.*

14 **ANSWER:**

15 Admit.

16 3. *Opposer is the owner of Registration No. 6074745 for the mark*
17 *FLANAX, and Reg No 5768512 for FLANAX MENSTRUAL PAIN RELIEVER (the*
18 *“FLANAX Marks”).*

19 **ANSWER:**

20 Applicant lacks sufficient knowledge and information to enable it to admit
21 or deny the allegations of paragraph 3 of the Opposition and, on that basis, denies
22 those allegations.

23 4. *The registrations for the FLANAX Marks are valid and subsisting,*
24 *and Opposer is currently using the FLANAX Marks.*

25 **ANSWER:**

26 Applicant lacks sufficient knowledge and information to enable it to admit
27 or deny the allegations of paragraph 4 of the Opposition and, on that basis, denies
28 those allegations.

1 5. *Opposer's use of its FLANAX trademarks dates back to 2004, and*
2 *therefore Opposer is the senior user.*

3 **ANSWER:**

4 Applicant lacks sufficient knowledge and information to enable it to admit
5 or deny the allegations of paragraph 5 of the Opposition and, on that basis, denies
6 those allegations.

7 6. *Since 2004, Opposer has developed significant common law rights in*
8 *its FLANAX Marks and has also achieved registrations of these marks for*
9 *over-the-counter medications and remedies sold directly to consumers.*

10 **ANSWER:**

11 Opposer's allegations of law do not require an admission or denial.
12 Applicant lacks sufficient knowledge and information to enable it to admit or
13 deny any remaining allegations of paragraph 6 of the Opposition and, on that
14 basis, denies those allegations.

15 7. *Opposer's FLANAX Marks have been in use in interstate commerce,*
16 *have been extensively advertised and promoted by Opposer for a period of more*
17 *than 15 years, and have developed and represent valuable goodwill which*
18 *benefits Opposer.*

19 **ANSWER:**

20 Applicant lacks sufficient knowledge and information to enable it to admit
21 or deny the allegations of paragraph 7 of the Opposition and, on that basis, denies
22 those allegations.

23 8. *Opposer's FLANAX Marks are famous and well known.*

24 **ANSWER:**

25 Opposer's allegations of law do not require an admission or denial.
26 Applicant lacks sufficient knowledge and information to enable it to admit or
27 deny any remaining allegations of paragraph 8 of the Opposition and, on that
28 basis, denies those allegations.

1 9. *Opposer's FLANAX Marks have trademark significance to*
2 *purchasers and potential purchasers.*

3 **ANSWER:**

4 Opposer's allegations of law do not require an admission or denial.
5 Applicant lacks sufficient knowledge and information to enable it to admit or
6 deny any remaining allegations of paragraph 9 of the Opposition and, on that
7 basis, denies those allegations.

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9 10. *Applicant's mark DESINFLAMAX mark is very similar to Opposer's*
10 *Registration No. 6074745 and to the distinctive (non-descriptive) elements of*
11 *Opposer's Registration No. 5768512. In particular, and without limitation, the*
12 *FLAMAX element is the dominant and more distinctive aspect of the*
13 *DESINFLAMAX mark. This element, FLAMAX, is substantially identical to the*
14 *FLANAX Marks..*

15 **ANSWER:**

16 Opposer's allegations of law do not require an admission or denial.
17 Applicant denies any remaining allegations of paragraph 10 of the Opposition.

18 11. *Applicant's Mark so resembles Opposer's FLANAX Marks that the*
19 *use and registration of Applicant's Mark is likely to cause confusion, mistake*
20 *and/or deception as to the source or origin of Applicant's services in violation of*
21 *Section 2(d) of the Trademark Act, and will injure and damage Opposer and the*
22 *goodwill and reputation symbolized by Opposer's FLANAX Marks.*

23 **ANSWER:**

24 Opposer's allegations of law do not require an admission or denial.
25 Applicant denies any remaining allegations of paragraph 11 of the Opposition.

26 12. *Confusion is likely due to the longstanding and prominent use of*
27 *Opposer's FLANAX Marks, the strength of these marks, and the fact that they are*
28 *well known and entitled to a broad scope of protection.*

ANSWER:

 Opposer's allegations of law do not require an admission or denial.
Applicant lacks sufficient knowledge and information to enable it to admit or

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