

TTAB

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

Serial No. 75/929,735

HRL Technology Corporation,
Opposer,
V.

Opposition No. 122,735

Jay Mullins DBA ZPRO
Applicant,



ANSWER

09-07-2001

U.S. Patent & TMO/TM Mail Rcpt Dt #11

Box TTAB No Fee
Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3513

MADAM :

In the matter of Application Serial No. 75/929,990 for Registration of the mark "XICAL" in class 5 by Jay Mullins DBA ZPRO, 940 Guerrero Street, Apartment #10, San Francisco, California 94110, which was published in the *Official Gazette* on December 26, 2000, Volume 1241, No. 4 on page TM 198, which has been opposed by HLR Technology Corporation (Opposition No. 122,735), it is urged that HRL Technology Corporation would not be damaged by the Registration of the mark "XICAL" for the services identified in the subject application.

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Responsive to the grounds for the Opposer's suit, Applicant states as follows :

1. Applicant is without sufficient knowledge or information regarding the extent of sales under the "XENICAL" mark.
2. Applicant admits to the statements in Paragraph 2 of the Opposition.
3. Applicant is without sufficient knowledge or information regarding all statements in Paragraph 3 of the Opposition.
4. Applicant is without sufficient knowledge or information regarding any knowledge or recognition by either the general public or the medical profession of the goods sold by the Opposer under the "XENICAL" trademark.
5. Applicant is without sufficient knowledge or information regarding the reputation of the goods sold by Opposer under the "XENICAL" trademark. Nor does Applicant have sufficient knowledge or information regarding the Opposer's reputation for fair and honorable dealings and the provision of products of dependable quality.
6. Applicant denies all allegations of Paragraph 6 of the Opposition.
7. Applicant denies all allegations of Paragraph 7 of the Opposition.

8. Applicant is without sufficient knowledge or information to draw conclusions regarding relationships between the two products with regard to the terminology "closely related".

9. Applicant denies all allegations of Paragraph 9 of the Opposition.

10. Applicant denies all allegations of Paragraph 10 of the Opposition.

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

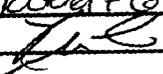
WHEREFORE, Applicant prays that the Registration of the "XICAL" mark be permitted, and that the subject Opposition be dismissed.

Respectfully submitted,

LEV INTELLECTUAL PROPERTY CONSULTING
Attorneys for the Applicant

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By  Date : September 7, 2001
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