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

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MIRAMAX FILM CORP.,  
Opposer,

Serial No. 76/056122  
OPPOSITION NO. 125,014

vs.

Mark: SPYKISS

SPYKISS, INC.,  
Applicant.  
-----X

TRADEMARK TRIAL AND  
APPEAL BOARD  
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05-30-2002  
U.S. Patent & TMO/TM Mail Rpt Dt. #39

ANSWER OF SPYKISS, INC.  
TO NOTICE OF OPPOSITION

Applicant Spykiss, Inc. ("Applicant") answers the Notice of Opposition (the "Opposition") of Miramax Film Corp. ("Opposer") as follows:

1. In response to the allegations contained in the unnumbered introductory paragraph of the Opposition, Applicant admits that it has applied for registration of the trademark "SPYKISS" and that its application has been assigned Serial No. 76/056122. Applicant is without information sufficient to enable it to admit or deny the remaining allegations of the unnumbered introductory paragraph of the Opposition and, on that basis, denies them.
2. Applicant is without information sufficient to enable it to admit or deny the allegations contained in Paragraphs 1, 2 and 3 of the Opposition and, on that basis, denies them.

*Be*

3. In response to Paragraph 4 of the Opposition, Applicant admits that it has filed an intent-to-use application to register the mark "SPYKISS" for use in connection with retail store services in the fields of publications, computer products, eyewear, furniture, toys, sporting goods, clothing, fashion accessories, housewares and audio and visual recordings and providing information relating thereto in International Class 35. Except as so admitted, Applicant denies each and every remaining allegation contained in Paragraph 4.

4. Applicant denies each and every allegation contained in Paragraphs 5, 6 and 7 of the Opposition.

FIRST AFFIRMATIVE DEFENSE

5. In further answer to the Opposition, Applicant asserts that any rights Opposer may have in the term "SPY KIDS" are of a limited and narrow scope because the term is weak and, Applicant is informed and it believes, that numerous third parties use the terms "SPY" and "KIDS" for goods which are similar to those of Opposer.

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WHEREFORE, Applicant respectfully requests that  
Opposer's Notice of Opposition be dismissed and that the  
registration of application Serial No. 76/056122 be allowed.

Respectfully submitted,

Dated: May 20, 2002

Spykiss, Inc.

By:   
Kandice Cline

Its: Chief Executive Officer

Phone: 213.253.4779

Fax: 413.581.4350

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Date of Deposit: 5/30/02

I hereby certify that this paper is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service under 37 C.F.R. § 1.10 on the date indicated above and is addressed to: Box TTAB, No Fee, Assistant Commissioner For Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3513

By:

Kandice Cline

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CERTIFICATE OF SERVICE

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

John Margiotta  
FROSS, ZELNICK, LEHRMAN & ZISSU, PC  
866 United Nations Plaza  
New York, NY 10017

on this 20 day of May, 2002.