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

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OSHO FRIENDS INTERNATIONAL,	:	
Opposer,	:	Opposition No.: 91152313
	:	Serial No.: 76/060676
	:	Trademark:
	:	OSHO KUNDALINI MEDITATION
OSHO INTERNATIONAL FOUNDATION,	:	
	:	
Applicant.	:	
	:	
-----X	:	



Commissioner for Trademarks
2900 Crystal Drive
Arlington, Virginia 22202-3514

01-06-2004
U.S. Patent & TMO/c/TM Mail Rcpt Dt. #22

ANSWER TO AMENDED NOTICE OF OPPOSITION

Applicant, Osho International Foundation, by its attorneys Davis & Gilbert LLP, answers the Amended Notice of Opposition filed by Osho Friends International as follows:

1. Denies the allegations contained in paragraph 1 of the Amended Notice of Opposition, except admits that the individual who came up with and first used the trademark and service mark OSHO® was born Rajneesh Chandra Mohan in 1931, in Kuchwara, a town in central India. Applicant admits that, in 1971, Rajneesh Chandra Mohan changed his name to "Bhagwan Shree Rajneesh," after some of his followers started calling him "Bhagwan," "Bhagwan" meaning "The Fortunate One, The Blessed One" and "Shree" meaning "Master" ("Rajneesh Chandra Mohan" and "Bhagwan Shree Rajneesh" are hereinafter referred to as "BHAGWAN"). Applicant further admits that BHAGWAN

obtained a Masters degree in philosophy from the University of Sagar; that BHAGWAN taught philosophy for nine years at the University of Jabalpur; that BHAGWAN traveled throughout India giving talks, engaging attendees in public debate, and introducing his revolutionary active meditation technique.

2. Denies the allegations contained in paragraph 2 of the Amended Notice of Opposition, except admits that in 1974, BHAGWAN moved from Bombay to Pune, India, where he established an Ashram ("*place of learning*") dedicated to meditation and self-discovery.

3. Denies the allegations contained in paragraph 3 of the Amended Notice of Opposition, except admits that in or about 1962, BHAGWAN started to conduct guided meditations at the ends of his talks and, thus, that the first Meditation Centers and Meditation Camps started to emerge around his teachings.

4. Denies the allegations contained in paragraph 4 of the Amended Notice of Opposition, except admits that between 1981 and 1985, BHAGWAN and some of his followers lived in the high desert of eastern Oregon, on a 126-square-mile former cattle ranch organized as a commune.

5. Denies the allegations contained in paragraph 5 of the Amended Notice of Opposition, except admits that between 1985 and 1986, BHAGWAN went on a world tour to meet his followers around the world, spending the last five months of 1986 in Bombay and returning to Pune, India, on January 4, 1987. Applicant further admits that, at that time,

BHAGWAN was an individual well known for his unique active meditation technique and related books.

6. Denies the allegations contained in paragraph 6 of the Amended Notice of Opposition, except admits that in 1989, BHAGWAN adopted the name "Osho."

7. Denies the allegations contained in paragraph 7 of the Amended Notice of Opposition.

8. Denies the allegations contained in paragraph 8 of the Amended Notice of Opposition, except admits that BHAGWAN died on January 19, 1990.

9. Denies knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 9 of the Amended Notice of Opposition.

10. Admits the allegations contained in paragraph 10 of the Amended Notice of Opposition.

11. Denies the allegations contained in paragraph 11 of the Amended Notice of Opposition.

12. Denies the allegations contained in paragraph 12 of the Amended Notice of Opposition.

13. Denies the allegations contained in paragraph 13 of the Amended Notice of Opposition.

14. In response to paragraph 14 of the Amended Notice of Opposition, Applicant repeats and realleges its responses to paragraphs 1 through 13 of the Amended Notice of Opposition, as if each were fully set forth herein.

15. Denies the allegations contained in paragraph 15 of the Amended Notice of Opposition.

16. Denies the allegations contained in paragraph 16 of the Amended Notice of Opposition, except admits that Applicant has disclaimed the term "Kundalini Meditation" apart from the mark itself.

17. Denies the allegations contained in paragraph 17 of the Amended Notice of Opposition.

18. Denies the allegations contained in paragraph 18 of the Amended Notice of Opposition.

19. Denies the allegations contained in paragraph 19 of the Amended Notice of Opposition.

20. In response to paragraph 20 of the Amended Notice of Opposition, Applicant repeats and realleges its responses to paragraphs 1 through 19 of the Amended Notice of Opposition, as if each were fully set forth herein.

21. Denies the allegations contained in paragraph 21 of the Amended Notice of Opposition, except admits that Applicant owns all proprietary rights to the works of authorship of BHAGWAN, as well as the exclusive right to register and use all trademarks

and service marks consisting of or incorporating the mark OSHO to identify those copyrighted works and Applicant as their genuine non-infringing source, and that it applied for registration of the mark on these grounds.

22. Denies the allegations contained in paragraph 22 of the Amended Notice of Opposition.

23. Denies the allegations contained in paragraph 23 of the Amended Notice of Opposition.

24. Paragraph 24 of the Amended Notice of Opposition contains legal conclusions to which no response is required. To the extent that an answer is required, Applicant denies the allegations contained in paragraph 24 of the Amended Notice of Opposition.

25. Denies the allegations contained in paragraph 25 of the Amended Notice of Opposition.

26. In response to paragraph 26 of the Amended Notice of Opposition, Applicant repeats and realleges its responses to paragraphs 1 through 25 of the Amended Notice of Opposition, as if each were fully set forth herein.

27. Denies the allegations contained in paragraph 27 of the Amended Notice of Opposition.

28. Denies the allegations contained in paragraph 28 of the Amended Notice of Opposition.

29. In response to paragraph 29 of the Amended Notice of Opposition, Applicant repeats and realleges its responses to paragraphs 1 through 28 of the Amended Notice of Opposition, as if each were fully set forth herein.

30. Denies the allegations contained in paragraph 30 of the Amended Notice of Opposition.

31. Denies the allegations contained in paragraph 31 of the Amended Notice of Opposition.

32. Denies the allegations contained in paragraph 32 of the Amended Notice of Opposition.

33. Denies the allegation contained in paragraph 33 of the Amended Notice of Opposition.

34. Denies the allegations contained in paragraph 34 of the Amended Notice of Opposition.

35. Denies the allegations contained in paragraph 35 of the Amended Notice of Opposition.

36. Denies the allegations contained in paragraph 36 of the Amended Notice of Opposition.

37. Denies the allegations contained in paragraph 37 of the Amended Notice of Opposition.

AFFIRMATIVE DEFENSE

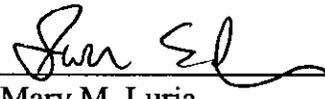
FIRST AFFIRMATIVE DEFENSE

38. The Amended Notice of Opposition fails to state a claim, in whole or in part, upon which relief can be granted.

WHEREFORE, Applicant respectfully requests that Opposition No. 91152313 be dismissed with prejudice, that application Serial No. 76/060676 proceed to registration, that judgment be entered for Applicant and for such other and further relief as the Board deems just and proper.

Dated: January 5, 2004
New York, New York

DAVIS & GILBERT LLP

By:  _____

Mary M. Luria

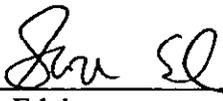
Sara Edelman

1740 Broadway
New York, New York 10019
(212) 468-4800
Attorneys for Applicant

CERTIFICATE OF SERVICE

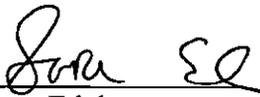
I hereby certify that a true and correct copy of ANSWER TO AMENDED NOTICE OF OPPOSITION (Opposition No. 91153103) was served upon Opposer's counsel this 5th day of January 2004 by mailing a copy of the same by first class mail, postage prepaid, to the following:

Gina L. Durham, Esq.
PIPER RUDNICK
203 N. LaSalle Street
Chicago, Illinois 60601


Sara Edelman

CERTIFICATE OF EXPRESS MAILING

I hereby certify that this correspondence ANSWER TO AMENDED NOTICE OF OPPOSITION (Opposition No. 91153103) , is addressed to Commissioner for Trademarks, 2900 Crystal Drive, Arlington, Virginia 22202-3514, Attn.: TTAB, and is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" service on January 5, 2004.


Sara Edelman

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