

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



12-02-2004

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

ENDO PHARMACEUTICALS INC., :
 :
 Opposer, :
 :
 v. :
 :
 CHARLES GOODIS, :
 :
 Applicant. :

Opposition No. 91162626

ANSWER TO NOTICE OF OPPOSITION

Applicant, Charles Goodis, by and through his undersigned attorneys, hereby answers the Notice of Opposition in the above-identified proceeding, the numbers hereof corresponding to those of the Notice of Opposition, as follows:

Applicant is without knowledge or information sufficient to form a belief as to the truth of the introductory allegation that Opposer, Endo Pharmaceuticals Inc., is a Delaware corporation, having a place of business at 100 Painters Drive, Chadds Ford, PA 19317, and therefore denies the same. Applicant denies the introductory allegation that Opposer will be damaged by registration of the mark TEAM ENDO as shown in Application Serial No. 78/248,855.

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1 of the Notice of Opposition, and therefore denies the same.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2 of the Notice of Opposition, and therefore denies the same.
3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3 of the Notice of Opposition, and therefore denies the same.
4. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4 of the Notice of Opposition, and therefore denies the same.
5. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 5 of the Notice of Opposition, and therefore denies the same.
6. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 6 of the Notice of Opposition, and therefore denies the same.
7. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7 of the Notice of Opposition, and therefore denies the same.
8. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 8 of the Notice of Opposition, and therefore denies the same.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 9 of the Notice of Opposition, and therefore denies the same.
10. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 10 of the Notice of Opposition, and therefore denies the same.
11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 11 of the Notice of Opposition, and therefore denies the same.
12. Applicant admits the allegations of Paragraph 12 of the Notice of Opposition.
13. Applicant admits that he has applied for the mark TEAM ENDO under Application Serial No. 78/248,855 on an intent-to-use basis.
14. Applicant admits that, by virtue of the intent-to-use basis of Application Serial No. 78/248,855, he has not yet used the mark TEAM ENDO in interstate commerce for the goods set forth in Application Serial No. 78/248,855.
15. Applicant denies the allegations in Paragraph 15 of the Notice of Opposition.
16. Applicant denies the allegations in Paragraph 16 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

1. The Notice of Opposition fails to state a claim upon which relief can be granted.

2. Applicant's mark TEAM ENDO is not confusingly similar to any alleged mark asserted by Opposer in the Notice of Opposition.
3. Opposer's alleged ENDO mark is weak and diluted and is not entitled to trademark protection.

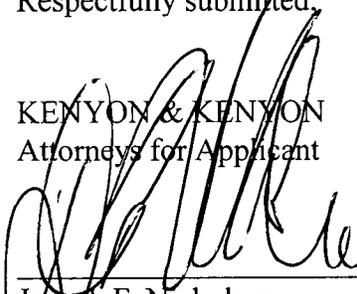
Any allegation not specifically addressed is herein denied.

WHEREFORE, Applicant prays that this Opposition be dismissed and that registration of Applicant's mark issue pursuant to the application.

Respectfully submitted,

KENYON & KENYON
Attorneys for Applicant

By:

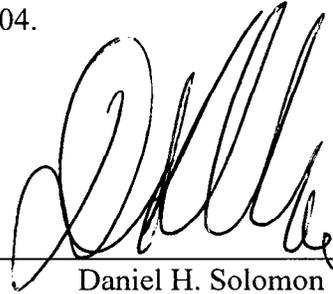


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Dated: November 30, 2004

CERTIFICATE OF SERVICE

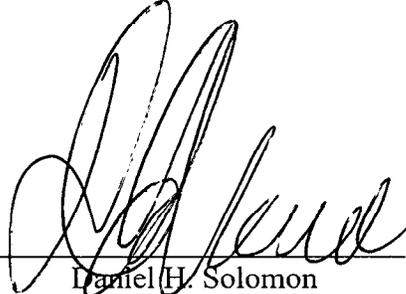
I hereby certify that a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served by first-class mail, postage prepaid, to counsel for Opposer, James R. Meyer, Schnader Harrison Segal & Lewis LLP, 1600 Market Street, Suite 3600, Philadelphia, PA 19103-7286 on this 30th day of November, 2004.

A handwritten signature in black ink, appearing to read 'D. Solomon', is written over a horizontal line.

Daniel H. Solomon

CERTIFICATE OF MAILING

I hereby certify that on November 30, 2004, an original and two copies of the foregoing ANSWER TO NOTICE OF OPPOSITION were filed by first-class mail, postage prepaid, to the Commissioner for Trademarks, Box TTAB NO FEE, 2900 Crystal Drive, Arlington, Virginia 22202-3513.



Daniel H. Solomon