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

Proceeding	91163626
Party	Defendant Golden Springs, LLC Golden Springs, LLC 12200 San Servando Ave. North Port, FL 34287
Correspondence Address	Golden Springs, LLC 12200 SAN SERVANDO AVE NORTH PORT, FL 34287-1229
Submission	Answer
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Signature	/cheryl meide/
Date	02/08/2005
Attachments	GSL.001 Answer to NOO.pdf (4 pages)

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

Fountain of Youth Properties, Inc. Opposer, v. Golden Springs, LLC Applicant	In the matter of Trademark Application Serial No. 78/211,990 For the mark: ORIGINAL FOUNTAIN OF YOUTH International Class 32 Opposition No.: 91,163,626 APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

GSL.0101

APPLICANT'S ANSWER TO
NOTICE OF OPPOSITION

Applicant Golden Springs, LLC ("Applicant"), by its attorneys, hereby answers the allegations set forth in the Notice of Opposition of Application No. 78/211,990 ("Notice of Opposition") as follows:

Applicant denies the allegation in the preamble that Opposer "will be damaged by registration of the mark shown in the above-identified application."

1. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 1 of the Notice of Opposition and, therefore, denies said allegations.

2. Applicant denies the address allegation as set forth in Paragraph 2. Applicant, GOLDEN SPRINGS, LLC, is a Florida limited liability corporation having an office located at 12200 San Servando Avenue, North Port, Florida 34287.

3. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 3 of the Notice of Opposition and, therefore, denies said allegations.

4. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 4 of the Notice of Opposition and, therefore, denies said allegations.

5. Applicant admits the ORIGINAL FOUNTAIN OF YOUTH™ trademark application allegations set forth in Paragraph 5 of the Notice of Opposition.

6. Applicant admits the filing and extension of time allegations set forth in Paragraph 6 of the Notice of Opposition.

7. Applicant denies the allegations set forth in Paragraph 7 of the Notice of Opposition.

8. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 8 of the Notice of Opposition and, therefore, denies said allegations.

9. Applicant admits that the on-line database of the United States Patent and Trademark Office indicates that Opposer owns trademark application serial number 78/351,381 for registration on the Principal Register for the mark PONCE DE LEON'S FOUNTAIN OF YOUTH in connection with "water, namely drinking, spring, distilled, purified, well, flavored and carbonated water" in International Class 32 as filed on January 13, 2004. Applicant admits that the on-line database of the United States Patent and Trademark Office indicates that on August 4, 2004, the examiner assigned to serial number 78/351,381 sent to Opposer a non-final action email. Applicant denies that Applicant's application is causing damage to Opposer. Applicant has insufficient knowledge or information as to the truth of the remaining allegations set forth in Paragraph 9 of the Notice of Opposition and, therefore, denies said allegations.

Applicant expressly denies any and all allegations in the Notice of Opposition not expressly admitted above.

Ad Damnum Clause

Applicant denies that Opposer is entitled to the relief it seeks.

AFFIRMATIVE DEFENSES

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

2. Applicant's trademark application rights under Trademark Application Serial Number 78,211,990 for the mark ORIGINAL FOUNTAIN OF YOUTH™ are valid and provide Applicant with priority and superseding rights over Opposer's alleged common law rights in the marks FOUNTAIN OF YOUTH and PONCE DE LEON'S FOUNTAIN OF YOUTH.

3. Applicant's common law rights in the mark ORIGINAL FOUNTAIN OF YOUTH™ provide Applicant with priority and superseding rights over Opposer's alleged common law rights in the marks FOUNTAIN OF YOUTH and PONCE DE LEON'S FOUNTAIN OF YOUTH.

CORRESPONDENCE

Please direct all correspondence to:

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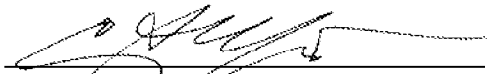
Respectfully submitted,



February 8, 2005
Date

Cheryl Meide
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CERTIFICATE OF SERVICE

I hereby certify that the foregoing Applicant's Answer to Notice of Opposition was deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Richard S. Vermut, Rogers Towers, P.A., 1301 Riverplace Boulevard, Suite 1500, Jacksonville, Florida 32207, on the date set forth below.

February 8, 2005
Date

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CERTIFICATE OF ESTTA MAILING

Date of Deposit February 8, 2005

Signature

Name: Cheryl Meide, Esquire

I hereby certify that this document to the Trademark Trial and Appeal board is being submitted via the Electronic System for Trademark Trials and Appeals ("ESTTA") on the date noted above.