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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

FREEZE 24/7 INTERNATIONAL LLC,

Opposer,

v.

WOODRIDGE LABS, INC.,

Applicant.

Opposition No. 91167334

In the matter of Application

Serial No.: 78547760

Mark: DERMAFREEZE365

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant Woodridge Labs, Inc. ("Applicant"), a California corporation having its address at 16217 Kittridge St., Van Nuys, California 91406, the owner of the above-referenced Application Serial No. 78547760 answers the Notice of Opposition of Freeze 24/7 International LLC ("Opposer"), as follows:

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, on that basis, denies each and every allegation therein.

2. Applicant admits that Application Numbers 76/552,518 and 78/555,407 speak for themselves. Applicant otherwise denies the allegations of Paragraph 2 of the Notice of Opposition.

3. Applicant denies the allegations of Paragraph 3 of the Notice of Opposition.

4. Applicant denies the allegations of Paragraph 4 of the Notice of Opposition.



5. Applicant admits that on January 14, 2005, Applicant filed the above-referenced application for the mark DERMAFREEZE365, ("Applicant's Mark") under Serial No. 78/547760 ("Applicant's Application"), which is the subject of the present opposition and in all respects speaks for itself.

6. Applicant denies the allegations of Paragraph 6 of the Notice of Opposition.

7. Applicant admits that its proposed goods include skin care preparations. Applicant otherwise denies the allegations of Paragraph 7 of the Notice of Opposition.

8. Applicant denies the allegations of Paragraph 8 of the Notice of Opposition.

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

10. Further, if any allegations should remain unanswered, Applicant denies each and every unanswered allegation in the Notice of Opposition.

AFFIRMATIVE DEFENSES

In addition to the foregoing, and as separate and distinct affirmative defenses to Opposer's claims, Applicant alleges as follows:

FIRST AFFIRMATIVE DEFENSE

11. Opposer's Notice is barred in whole or in part because the term "freeze" is functional.

SECOND AFFIRMATIVE DEFENSE

12. Opposer's Notice is barred in whole or in part because the term "freeze" is generic for a class of skin care products.

THIRD AFFIRMATIVE DEFENSE

13. Opposer's Notice is barred in whole or in part because the term "Freeze 24/7" is merely descriptive and has not attained secondary meaning.

FOURTH AFFIRMATIVE DEFENSE

14. Opposer's Notice is barred in whole or in part because Opposer committed fraud on the Patent and Trademark Office in connection with its trademark application filings. Opposer represented to the Patent and Trademark Office that Opposer and/or its assignor first used Opposer's mark in commerce on October 20, 2002 on the following goods and services: "cosmetics and non-medicated skin care preparations, namely skin treatment creams, skin toners, eye gels, moisturizers, day creams and oils, massage creams, firming creams, body creams, scented creams, lip treatment gels, serums and plumpers, hand and foot creams; face and body serums, face and body gels, face scrubs, body scrubs, bubble bath, sun tanning and self-tanning gels and lotions, anti-wrinkle creams, and lotions for face, eyes, lips, body and hands." Applicant alleges that these representations are false, and that Opposer made these representations to the Patent and Trademark Office with knowledge of their falsity. Applicant further alleges that the Patent and Trademark Office acted in reliance on these false representations in not rejecting Opposer's application.

FIFTH AFFIRMATIVE DEFENSE

15. Opposer's Notice is barred in whole or in part by the doctrine of unclean hands.

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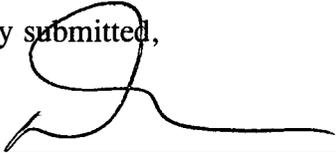
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WHEREFORE, Applicant requests that Opposer's opposition be dismissed.

Respectfully submitted,

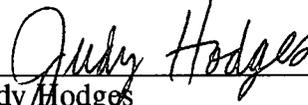
Dated: December 13, 2005

By:  _____

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CERTIFICATE OF MAILING

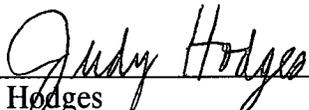
The undersigned hereby declares under the penalty of perjury that the enclosed **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION** was forwarded to the Commissioner for Trademarks, PO Box 1451, Alexandria, Virginia 22313-1451, via first class mail, postage prepaid, on this 13th day of December, 2005.



Judy Hodges

CERTIFICATE OF SERVICE

It is hereby certified that a true copy of the within **APPLICANT'S ANSWER TO NOTICE OF OPPOSITION** was served via U.S. Mail upon the Applicant, by depositing a copy thereof in the mail, postage prepaid, directed to James H. Shalek, Esq., Brendan J. O'Rourke, Esq., Jenifer deWolf Paine, Esq., PROSKAUER ROSE LLP, 1585 Broadway, New York, NY 10036, on this 13th day of December, 2005.



Judy Hodges