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

Proceeding	91169138
Party	Defendant HealthTan Technologies HealthTan Technologies 17 Laurelwood Drive Mount Vernon, OH 43050
Correspondence Address	HEALTHTAN TECHNOLOGIES 17 LAURELWOOD DR MOUNT VERNON, OH 43050-3872 chuck.saunders@comcast.net
Submission	Answer
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Date	05/22/2006
Attachments	Answer 052206.pdf (5 pages)(488287 bytes)

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

_____)	
L'OREAL USA CREATIVE, INC.,)	
)	
Opposer,)	Opposition No.: 91169138
)	
vs.)	Serial No. 78/441,325
)	Mark: VITA MATRIX
HEALTHTAN TECHNOLOGIES)	
)	
Applicant.)	
_____)	

ANSWER

Applicant HealthTan Technologies ("Applicant"), through its undersigned attorney, Wm. Charles Saunders, answers the averments in Opposer's Notice of Opposition as numbered therein:

Opposer sets forth allegations in the preamble to its Notice of Opposition. Applicant admits only that Application Serial No. 78/441,325 is for the mark VITA MATRIX and covers goods in International Class 3, namely, cosmetic preparations for sunless tanning and sunless tanning sprays marketed as a complement to professional spa services. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of the remaining allegations in the preamble, and therefore denies them.

1. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of these allegations, and therefore denies them.

2. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of these allegations, and therefore denies them.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of these allegations, and therefore denies them.

4. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of these allegations, and therefore denies them.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of these allegations, and therefore denies them.

6. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of these allegations, and therefore denies them.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of these allegations, and therefore denies them.

8. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of these allegations, and therefore denies them.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of these allegations, and therefore denies them.

10. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of these allegations, and therefore denies them.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of these allegations, and therefore denies them.

12. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of these allegations, and therefore denies them.

13. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of these allegations, and therefore denies them.

14. Denied. Applicant is a Delaware limited liability company. Applicant's address has changed from the Mt. Vernon, Ohio address to 196 Stonebridge Drive, Unit 1, Myrtle Beach, South Carolina 29588.

15. Admitted in part and denied in part. Applicant admits that its VITA MATRIX products are sunless tanning preparations that contain DHA and Erythulose, among other ingredients. Applicant's VITA MATRIX products include a preparation for use with airbrush guns and a preparation for home use. Applicant denies that all of its VITA MATRIX products are marketed as a complement to professional spa services. Applicant denies all remaining allegations.

16. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of these allegations, and therefore denies them.

17. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of these allegations, and therefore denies them.

18. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of these allegations, and therefore denies them.

19. Applicant is without knowledge or information sufficient to form a belief as to the truth or falsity of these allegations, and therefore denies them.

WHEREFORE, Defendant respectfully request that Opposer's Notice of
Opposition be dismissed.

Respectfully submitted,

BY: _____

Wm. Charles Saunders
Attorney at Law
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Ambler, PA 19002

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER has been furnished by FIRST CLASS MAIL, POSTAGE PREPAID, this 22nd day of May, 2006 to:

Robert L. Sherman
Nikki A. Hart
PAUL, HASTINGS, JANOFSKY & WALKER LLP
75 East 55th Street
New York, NY 10022

A handwritten signature in black ink, appearing to read "Wm. Charles Saunders", written over a horizontal dotted line.

Wm. Charles Saunders, Attorney at Law