

"healthy" is merely descriptive as applied to toothbrushes. ADMITS that "toothbrush" is generic for the goods identified in Class 21 and notes that a disclaimer of "toothbrush" is of record.

5. DENIES knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 5.

6. ADMITS that "toothbrush" is generic for the goods identified in Class 21 and notes that a disclaimer of "toothbrush" is of record.

7. DENIES the allegations of paragraph 7 of the Notice of Opposition.

8. ADMITS the allegations of paragraph 8 of the Notice of Opposition.

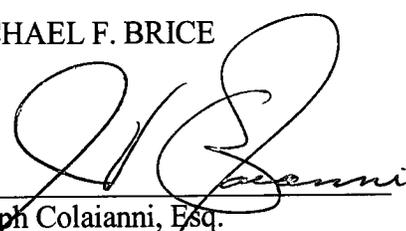
9. With respect to paragraph 9 of the Notice of Opposition DENIES that the subject mark lacks secondary meaning. The Examiner assigned to the subject application allowed the trademark without any requirement for the Applicant to show secondary meaning.

10. DENIES knowledge or information sufficient to form a belief as to the truth of the allegations in Paragraph 10

Wherefore, Michael F. Brice request that the Opposition be dismissed and that Application Serial No. 76/634,772 be approved and that the applied for mark be registered.

Dated: July 13, 2007

MICHAEL F. BRICE

By: 

Joseph Colaianni, Esq.

Mary F. Love, Esq.

PATTON BOGGS, LLP

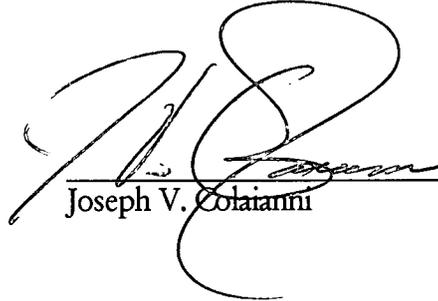
2550 M Street, N.W.

Washington, D.C. 20037

202-457-6000

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served on counsel for opposer this 13th day of July, 2007 via first-class mail addressed to Norm D. St. Landau, Drinker, Biddle & Reath LLP, 1500 K Street, N.W., Suite 1100, Washington, D.C. 20005.



Joseph V. Colaianni