

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

In the matter of Application Serial No.: 78/550,816  
Published in the Official Gazette on: August 22, 2006  
For the mark: HOLIDAY SPA ESCAPE

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BC INTERNATIONAL COSMETIC & IMAGE	)	
SERVICES, INC	)	
Opposer,	)	
	)	
v.	)	Opposition No.: 91172798
	)	
LINDA SAINT MARC	)	
	)	
Applicant.	)	

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ANSWER TO NOTICE OF OPPOSITION

Applicant, Linda Saint Marc answers the Notice of Opposition as follows:

1. In answering the initial paragraphs of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truth of the allegations about Opposer, and thus denies the same. Applicant denies any and all allegations and inferences that Opposer would be damaged by Applicant's registration of the mark HOLIDAY SPA ESCAPE (herein "Applicant's Mark"). In answering Paragraph 1 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truth of the allegations contained therein, and thus denies the same.



2. In answering Paragraph 2 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truth of the allegations contained therein, and thus denies the same.
3. Applicant admits Paragraph 3 of the Notice of Opposition.
4. Applicant admits Paragraph 4 of the Notice of Opposition .
5. In answering Paragraph 5 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truthfulness of the allegations contained therein, and thus denies the same.
6. In answering Paragraph 6 of the Notice of Opposition, Applicant is without sufficient information or knowledge to form a belief about the truthfulness of the allegations contained therein, and thus denies the same

#### AFFIRMATIVE DEFENSES

In further answer to the Notice of Opposition without waiver of any objection or an admission of sufficiency of the Notice of Opposition, Applicant asserts upon information and belief that:

1. Opposer's Notice of Opposition fails to state a claim upon which relief can be granted, and in particular, fails to state legally sufficient grounds for sustaining the opposition.
2. Applicant's use of its mark will not mistakenly be thought by the public to derive from the same source as Opposer's goods, nor will such use be

thought by the public to be a use by Opposer or with Opposer's authorization or approval.

3. Applicant's mark in its entirety is sufficiently distinctively different from Opposer's mark to avoid confusion, deception or mistake as to the source or association of Applicant's goods.
4. Applicant's mark, when used on Applicant's goods, is not likely to cause confusion, or to cause mistake, or to deceive as to the affiliation, connection or association of Applicant with Opposer, or as to the origin, sponsorship, or approval of Applicant's goods by Opposer.

RELIEF REQUESTED

WHEREFORE, Applicant prays that the Opposition be dismissed and the mark be allowed to mature to registration.

Respectfully submitted,

BLAKELY, SOKOLOFF, TAYLOR & ZAFMAN LLP

Date: October 23,, 2006

By: Linda Saint Marc  
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PROOF OF SERVICE

I, Linda Saint marc, hereby declare that I am over 18 years of age; and that I served the following document: ANSWER TO NOTICE OF OPPOSITION, relating to OPPOSITION NO. 91172798 this 23rd day of October, 2006, by causing a true copy to be deposited in the United States Mail, first class postage prepaid to Opposer's attorneys as follows:

Robert A Becker -- Attorney For Opposer

Fross Zelnick Lehrman & Zissu, PC

866 United Nations Plaza  
New York, New York 10017

And to:

United States Patent and Trademark Office  
Trademark Trial and Appeal Board  
P.O.Box 1451  
Alexandria, VA 22313-1451

And to:

Trademark Assistance Center  
Concourse Level Room C55  
600 Delaney St  
Alexandria VA 22314

And via email to :

rbecker@frosszelnick.com

Date:

Oct 23, 2006 Linda Saint Marc

Linda Saint Marc

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