

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

Bodyonics, Ltd.

Opposition No. 91176901

78862294

Opposer  
V.

REPLY TO OPPOSER'S REQUEST FOR  
ENTRY OF ORDER GRANTING SUMMARY  
JUDGMENT

Jeffrey Lee Kaplan and Ilie Ioncescu,

Applicants

On August 22nd 2007, Opposer has again flooded the Board with paperwork and filed another request for entry of order granting Summary Judgment based on the fact that Applicant failed to file an opposition to Opposer's Motion for Summary Judgment dated June 29<sup>th</sup> 2007. It is important to remind the Board that the Opposer's defective Motion did not address any of the pleadings outlined in the Notice of Opposition and therefore the motion should not be considered. Knowing that the Motion was defective, the Opposer on August 13<sup>th</sup> 2007, filed a Motion to amend their previous Notice of Opposition to conform to evidence adduced during discovery and to support Motion for Summary Judgment and also filed a Supplemental Motion for Summary Judgment. Applicant has properly and duly responded to the newly filed Motions submitted by the Opposer and respectfully requests that Opposer's Request for Summary Judgment be denied.

8/27/07

Jeff Kaplan  
POB 11106  
Ft. Laud Fl. 33339  
(954) 793-0637

Ilie Ioncescu  
Email: [eggcream@earthlink.net](mailto:eggcream@earthlink.net)

I certify that the foregoing is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Jay A. Geller W. Tower Suite 4000, 2425 W. Olympic Bl. Santa Monica CA 90404

8/27/07



08-27-2007

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

Bodyonics, Ltd.

Opposition No. 91176901

Opposer

REPLY TO OPPOSER'S MOTION TO STRIKE  
APPLICANT'S SUPPLEMENTAL MOTION  
FOR SUMMARY JUDGMENT

Jeffrey Lee Kaplan and Ilie Ioncescu,

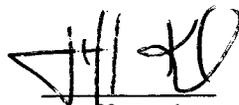
Applicants

---

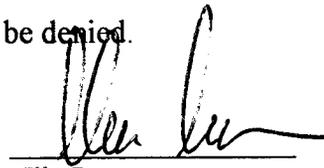
Opposer has filed a Motion To Strike Applicants Supplemental Motion For Summary Judgment. The Opposer has burdened the Board with Motion after Motion including a Supplemental Motion for Summary Judgment, which was filed because of their initial "defective" Motion for Summary Judgment (Opposer did not address pleadings outlined in their Notice of Opposition). The Applicant has the right to reply to this new supplemental motion and has done so, including the addressing of new issues such as likelihood of confusion, et al.

The issue of the Applicants product being a energy boosting nasal spray application and not a dietary product in a pill form like the Opposers product is not irrelevant to the issues in this case as stated by the Opposer. Simply put the Opposer does not want the Board to learn the facts and it is he who is wasting the Boards time and resources with the filing of one motion after another.

We respectfully request that the Opposers motion be denied.



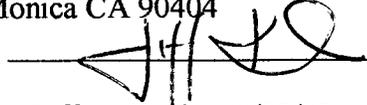
Jeff Kaplan  
POB 11106  
Ft. Laud Fl. 33339  
(954) 793-0637



Ilie Ioncescu  
Email: [eggcream@earthlink.net](mailto:eggcream@earthlink.net)

8/27/07

I certify that the foregoing is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Jay A. Geller W. Tower Suite 4000, 2425 W. Olympic Bl. Santa Monica CA 90404

A handwritten signature in black ink, appearing to read 'JK', is written over a horizontal line.

Jeffrey Kaplan 8/27/07

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

Bodyonics, Ltd.

Opposition No. 91176901

Opposer

REPLY TO OPPOSER'S MOTION TO STRIKE  
APPLICANT'S NOTICE OF RELIANCE

Jeffrey Lee Kaplan and Ilie Ioncescu,

Applicants

---

Opposer has filed a Motion To Strike Applicants Notice of Reliance in Opposition to Opposers Motion For Summary Judgment and has stated that Applicant has again burdened the Board by its lack of knowledge in these proceedings. We would like the Board to review the file to see that in fact the Opposer has burdened the Board with Motion after Motion filed. The Applicant has the right to reply to these motions and has done so.

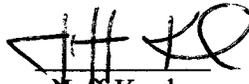
Opposer states that no such section of TBMP 704.03 (b) (12) (B) exists YET Opposer cites the exact same section in his own Notice of Reliance dated August 13<sup>th</sup> 2007.

Opposer argues that "internet publications cannot be the subject of a Notice of Reliance.." yet the Opposer has used internet publications in his Notice of Reliance dated August 13<sup>th</sup> 2007.

Therefore if the Board strikes Applicants' Notice of Reliance then we respectfully request that the Board also strike Opposers Notice of Reliance as well.

In regards to the internet publications submitted by the Applicant, they were submitted to prove to the Board that third party usage of the word POPPERS were widely used with no confusion with the Opposer's mark and to prove that the Opposers product POPPERS standing alone is discontinued and not used in commerce.

We respectfully request that the Opposers motion be denied.



Jeff Kaplan



Ilie Ioncescu

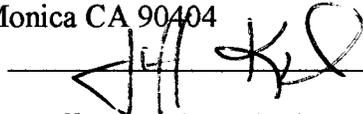
8/27/07

POB 11106

Ft. Laud Fl. 33339

(954) 793-0637 Email: [eggcream@earthlink.net](mailto:eggcream@earthlink.net)

I certify that the foregoing is being deposited with the United States Postal Service as first class mail, postage prepaid, in an envelope addressed to Jay A. Geller W. Tower Suite 4000, 2425 W. Olympic Bl. Santa Monica CA 90404



Jeffrey Kaplan 8/27/07