

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

.....
BODYONICS, LTD

Opposition No. 91176901

Opposer

v.

Application Serial No. 78/862294

JEFFREY LEE KAPLAN,
ILIE IONCESCU

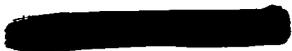
Published in the Official Gazette of
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MARK: ENERGY POPPERS

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ANSWER

Jeffery Lee Kaplan & Ilie Ioncescu. for its answer to the Opposition herein, responds as follows:

1. Admits the allegations contained in Paragraph 1.
2. Admits the allegations contained in Paragraph 2.
3. Admits the allegations contained in Paragraph 3.
4. Lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in Paragraph 4.
5. Denies the allegations contained in Paragraph 5.
6. Denies the allegations contained in Paragraph 6.


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7. Denies the allegations contained in Paragraph 7.

8. Denies the allegations contained in Paragraph 8.

FIRST AFFIRMATIVE DEFENSE

9. Opposer has not proved a Likelihood of Confusion between the Applicant's mark and the Opposer's mark.

SECOND AFFIRMATIVE DEFENSE

10. The Opposer is barred, in whole or part, by the Doctrine of Laches and Acquienscense.

THIRD AFFIRMATIVE DEFENSE

11. The Opposer is barred by the Doctrine of Nominative Fair Use.

CONCLUSION

WHEREFORE, Jeffery Kaplan and Ilie Ioncescu respectfully requests that the Opposition be denied.

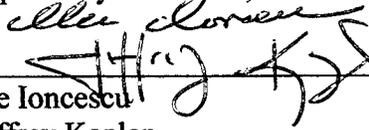
Dated May 2nd 2007

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Respectfully submitted,



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