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

CKX, Inc. Opposer/Petitioner	)	
V.	)	Opposition No.: 91178593 Cancellation No: 92047863
Edward Kolos Applicant/Registrant	)	

To applications:	VET AID	Serial No.: 77/040,837
	FIRST IN FIRST AID	Serial No.: 77/083,166
	LEMON ICE	Serial No.: 77/011,937
	E.N.R.G.	Serial No.: 77/092,008
To registrations:	H2OCEAN and Design	Registration No.: 2,880,750
	H2OCEAN	Registration No.: 3,167,267

Filed on 6-20-07

Doug Masters of Loeb & Loeb, LLP. For CKX., Inc.

ANSWER TO NOTICE OF OPPOSITION

Applicant, Edward Kolos("Applicant," or "Registrant"), for its Answer to the Notice of Opposition and Petition to Cancel filed herein by Opposer, CKX("Opposer"), dated June 20, 2007, alleges as follows:

1. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Notice of Opposition and therefore denies the same.

2. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1 of the Notice of Opposition and therefore denies the same.

3. Applicant denies each and every allegation contained in paragraph 3 of the Notice of Opposition.

09-06-2007

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4. Applicant marks, VET AID (Serial No. 77/040,837) and FIRST IN FIRST AID (Serial No. 77/083,166), are descriptive of the goods covered in the applications and HAVE acquired distinctiveness.

5. Applicant denies each and every allegation contained in paragraph 5 of the Notice of Opposition.

6. Applicant maintains that there was a *bona fide* intent to use the marks VET AID (Serial No. 77/011,937), FIRST IN FIRST AID (Serial No. 77/083,166), LEMON ICE (Serial No. 77/011/937), and E.N.R.G. (Serial No. 77/092,008) in commerce in connection with each of the goods set forth in the respective applications. Refer to the web site www.h2ocean.com and attached images.

7. Applicant maintains a *bona fide* intent to use each mark in commerce for each of the goods set forth in the respective applications. Refer to the web site www.h2ocean.com and attached images.

8. Applicant denies each and every allegation contained in paragraph 8 of the Notice of Opposition.

9. With respect to paragraph 9 of the Notice of Opposition, Applicant admits that his signature is present on each of the applications for the marks VET AID (Serial No. 77/011,937), FIRST IN FIRST AID (Serial No. 77/083,166), LEMON ICE (Serial No. 77/011/937), and E.N.R.G. (Serial No. 77/092,008). Applicant also confirms that on those applications, he ascertains that he has a *bona fide* intention to use in commerce the mark in connection with the specific goods identified in each respective application. The Applicant's *bona fide* intention is truthful. Any allegations of FRAUD may be construed as slanderous and defaming.

10. With respect to paragraph 10 of the Notice of Opposition, Applicant admits that his signature is present on both applications for the marks H2Ocean and Design (Registration No. 2,880,750) and H2Ocean (Registration No. 3,167, 267).

11. The Opposer is inaccurate in the allegation that "Applicant committed fraud on the United States Patent and Trademark Office by virtue of knowing, false, material claim regarding his intent to use the marks VET AID (Serial No. 77/011,937), FIRST IN FIRST AID (Serial No. 77/083,166), LEMON ICE (Serial No. 77/011,937) and E.N.R.G. (Serial No. 77/092,008)." This statement is both slanderous and defamatory. The Opposer is inaccurate in the allegation that "Application also committed fraud on the United States Patent and Trademark Office by virtue of the knowing, false, material claim regarding its use of the marks H2OEAN and Design (Registration No. 2,880,750) and H2OCEAN (Registration No. 3,167,267). This statement is both slanderous and defamatory.

12. Applicant denies each and every allegation contained in paragraph 12 of the Notice of Opposition.

13. With respect to paragraph 13 of the Notice of Opposition, Registrant continues to use, within the meaning of 15 U.S.C. §1127, the H2OCEAN marks shown in Reg. Nos. 2,880,750 and 3,167,267.

14. Applicant has continued to use H2OCEAN marks shown in Reg. Nos. 2,880,750 and 3,167,267. Refer to the web site www.h2ocean.com and attached images.

15. With respect to paragraph 15, Registrant has continued to use Reg. Nos. 2,880,750 and 3,167,267.

AFFIRMATIVE DEFENSES

Applicant, as and for its Affirmative Defenses, alleges, upon personal knowledge as to its own acts and, upon information and belief as to the acts and, upon information and belief as to the acts of others, as follows:

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

The Notice of Opposition fails to state a claim for which relief may be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

Opposer lacks standing to assert the claims set forth in the Notice of Opposition and Petition for Cancellation. WHEREFORE, Applicant prays that the Notice of Opposition and Petition for Cancellation should be dismissed, with prejudice, that the registration of the marks; VET AID sought in Application Serial No.: 77/040,837, FIRST IN FIRST AID sought in Application Serial No.: 77/083,166, LEMON ICE sought in Application Serial No.: 77/011,937, and E.N.R.G. sought in Application Serial No.: 77/092,008 should issue, and that the Applicant should receive such other and further relief as the Board deems just and proper.

Edward Kolos
Applicant/Registrant

By _____
Edward Kolos

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CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing ANSWER TO NOTICE OF OPPOSITION has been served upon opposer's attorney, Doug N. Masters, Loeb & Loeb, LLP, 321 North Clark Street, Suite 2300, Chicago, IL, 60610, the address designated by said attorney for that purpose by depositing a true copy thereof with the United States Postal Service as first-class mail on September 4, 2007.

Date: September 4, 2007

Edward Kolos

CERTIFICATE OF FILING

The undersigned hereby certifies that the foregoing ANSWER TO NOTICE OF OPPOSITION has been filed electronically with the United States Patent and Trademark Office.

Date: September 4, 2007

Edward Kolos

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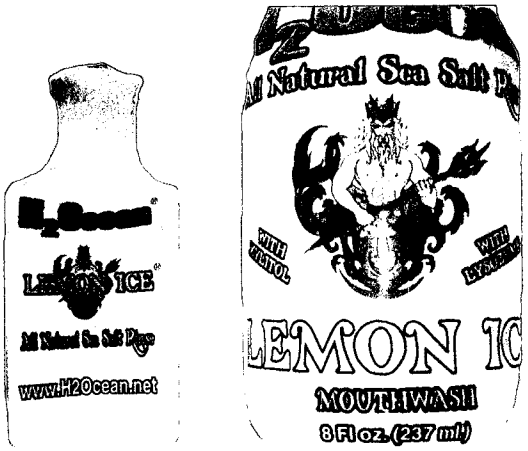

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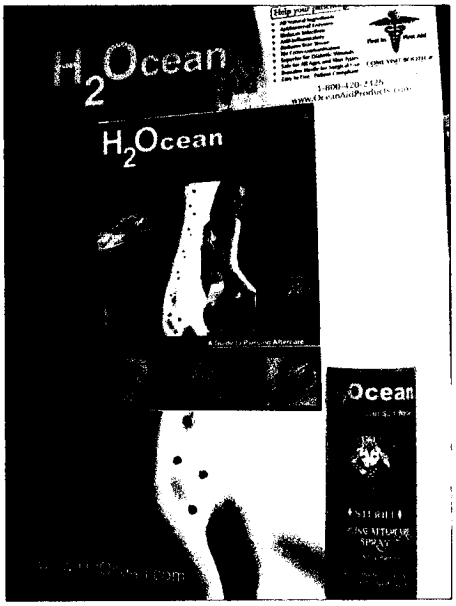

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