

4. Applicant had no information regarding the truth or falsity of this claim.
5. Applicant had no information regarding the truth or falsity of this claim.
6. Applicant denies the truth of this claim.

AFFIRMATIVE DEFENSES

Applicants hereby present affirmative defenses regarding the opposition of Applicant's mark, FREQUENCY FILTER.

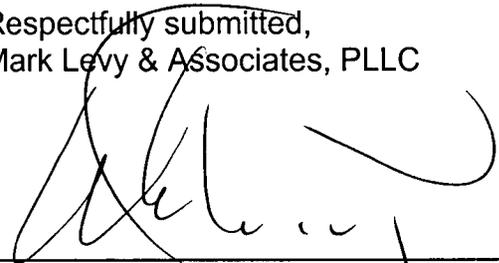
1. The impression that FREQUENCY FILTER as a whole creates on the average discriminating consumer based on sound, appearance, and connotation is not the same as the impression for FILTER, due to such factors as the dominant portion of the mark being the first word, FREQUENCY, the number of words in the respective marks, the number of letters in the respective marks, the definition of words in the marks, etc.

2. Applicant's mark, FREQUENCY FILTER, has been in use in interstate commerce for over three years and no evidence of actual confusion has occurred vis-à-vis Opposer's mark.

3. Buyers of Applicant's goods are sophisticated, health conscious and well aware of even subtle distinctions between marks.

WHEREFORE, Applicant respectfully requests that the Notice of Opposition be dismissed with prejudice.

Respectfully submitted,
Mark Levy & Associates, PLLC



By: Mark Levy
Attorneys for Applicant
Press Building, Suite 900
19 Chenango Street
Binghamton, NY 13901
Telephone: (607) 722-6600

Dated: 1/4/08

I hereby certify that this correspondence is being deposited with the United States Postal Service as first class mail in an envelope addressed to:
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

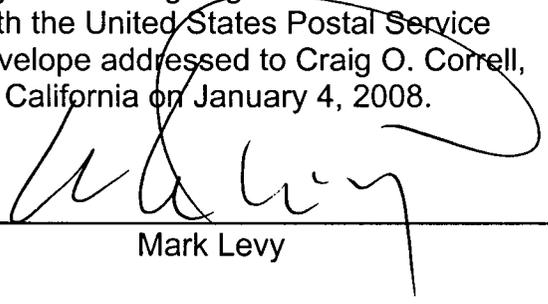
on 1/4/08 (Date of Deposit)
1/4/08
Mark Levy, Reg. 29,188
Attorney Date

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing ANSWER TO NOTICE OF OPPOSITION is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Craig O. Correll, Attorney at Law, 4245 Sunnyhill Drive, Carlsbad, California on January 4, 2008.

Dated: _____

1/4/08



Mark Levy