

ESTTA Tracking number: **ESTTA213353**

Filing date: **05/23/2008**

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

Proceeding	91183559
Party	Defendant The Bodygym Corporation
Correspondence Address	GREGORY MOORE, ESQ. THE MOORE LAW GROUP, LCC 744 BROAD ST FL 16 NEWARK, NJ 07102-3806 greg@themoorelawgroup.com
Submission	Answer
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Date	05/23/2008
Attachments	BodyGym_Answer_to_Notice_of_Opposition.pdf (5 pages)(125861 bytes)

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

In the matter of Trademark Application Serial No. 77/201,578
Published in the Official Gazette of December 18, 2007 at TM 581
International Classes: 25
Filed: June 8, 2007
Mark: BODYGYM

DOUGLAS C. TERRY,)	
)	
Opposer,)	Opposition No. 91183559
)	
vs.)	
)	
THE BODYGYM CORPORATION.)	ANSWER TO NOTICE OF OPPOSITION
)	
Applicant.)	

Applicant, The BodyGym Corporation, for its answer to the Notice of Opposition filed Douglas C. Terry against the application for registration of trademark BODYGYM, serial number 77/201,578, filed on June 8, 2007 pleads and avers as follows:

1. Applicant admits the allegations contained in paragraph 1 of Notice of Opposition.
2. Applicant admits the allegations contained in paragraph 2 of Notice of Opposition.
3. Answering paragraph 3 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein, and therefore the allegations are denied leaving Opposer to establish proof thereof.

4. Answering paragraph 4 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein, and therefore the allegations are denied leaving Opposer to establish proof thereof.

5. Answering paragraph 5 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein, and therefore the allegations are denied leaving Opposer to establish proof thereof.

6. Answering paragraph 6 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein, and therefore the allegations are denied leaving Opposer to establish proof thereof.

7. Answering paragraph 7 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein, and therefore the allegations are denied leaving Opposer to establish proof thereof.

8. Answering paragraph 8 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein, and therefore the allegations are denied leaving Opposer to establish proof thereof.

9. Answering paragraph 9 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein, and therefore the allegations are denied leaving Opposer to establish proof thereof.

10. Admitted.

11. Answering paragraph 11 of the Notice of Opposition, Applicant does not have sufficient knowledge or information to form a belief as to the allegations contained therein, and therefore the allegations are denied leaving Opposer to establish proof thereof.

12. Answering paragraph 12 of the Notice of Opposition, Applicant denies each and every allegation contained therein.

13. Applicant denies the allegations contained in paragraph 14 of the Notice of Opposition.

14. Applicant denies the allegations contained in paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations contained in paragraph 15 of the Notice of Opposition.

16. Applicant admits that “If Applicant is granted the registration herein opposed, it would thereby obtain at least a prima facie exclusive right to the use of its mark” Respondent denies the remaining allegations in paragraph 16 of the Notice of Opposition.

17. Applicant denies the allegations contained in paragraph 17 of the Notice of Opposition.

AFFIRMATIVE DEFENSES

18. Applicant repeats and re-alleges the averments set forth in Paragraphs 1 through 17 herein as if fully set forth again at length.

19. Opposer has failed to state a claim upon which relief can be granted.

20. Opposer has not suffered nor is likely to suffer any injury or harm to its business or property by reason of Applicant’s application.

21. Applicant reserves the right to assert any affirmative defenses which are identified in discovery.

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** was served on Opposer by First Class Mail, postage prepaid this 23 day of May 2008, in an envelope addressed as follows:

Douglas C. Terry
2248 Cottonwood Lane Cove
Salt Lake City, UT 84121

Matthew A. Barlow
Workman Nydegger
60 East South Temple
1000 Eagle Gate Tower
Salt Lake City, UT 84111

By: /Gregory Moore/