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

Proceeding	91193249
Party	Defendant Innovative Formulas, LLC
Correspondence Address	FARHAD NOVIAN NOVIAN & NOVIAN, LLP 1801 CENTURY PARK E , SUITE 1201 LOS ANGELES, CA 90067-2314 UNITED STATES joseph@novianlaw.com
Submission	Answer
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Date	06/03/2010
Attachments	Answer to Opposition.pdf (3 pages)(21867 bytes)

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

PRECISE NUTRITION INT'L, INC.

Opposer,

v.

Opposition No. 91193249

Serial No. 77810378

Mark: VITAL4LIFE

INNOVATIVE FORMULAS, LLC

Applicant

ANSWER TO NOTICE OF OPPOSITION

INNOVATIVE FORMULAS, LLC (hereinafter referred to as "Applicant"), hereby answers the Opposition filed by PRECISE NUTRITIONAL INT'L, INC. ("Opposer") against Applicant's trademark application for VITAL4LIFE Serial No. 77810378 (the "Application").

In response to Opposer's allegations, Applicant answers as follows:

1. Applicant admits that there is an entity listed as "Precise Nutritional International, Inc." with an address in Rancho Mirage, CA listed on the website of the California Secretary of State. Applicant could find no similar entry for "Precise Nutrition Int'l" as listed on the Opposition proceeding moving papers. Therefore, Applicant is without knowledge or information sufficient to answer the allegations contained in paragraph 1 of the Opposition and, upon that basis, denies the allegations contained therein in their entirety;
2. Applicant admits that it is a limited liability company under the laws of California.
3. Applicant admits that it has applied for serial number 77810378 for the trademark VITAL4LIFE based upon a bona fide intent to use.
4. Applicant admits that Opposer is listed as the owner of trademark registration nos. 1522343, 3123737, 3126993, and 3472341. Applicant is without knowledge or information sufficient to answer the remaining allegations contained in paragraph 4 and, upon that basis, denies the remaining allegations contained therein in their entirety.
5. Applicant denies the allegations of paragraph 5 in their entirety.
6. Applicant is without knowledge or information sufficient to answer the remaining allegations contained in paragraph 6 and, upon that basis, denies the remaining allegations contained therein in their entirety.
7. Applicant denies the allegations of paragraph 7 in their entirety.

8. Applicant denies the allegations of paragraph 8 in their entirety.

AFFIRMATIVE DEFENSES

Applicant pleads the following Affirmative Defenses to the Opposition:

1. The Opposition fails to state a claim on which relief can be granted.
2. The Opposition is barred by the doctrine of Estoppel or Laches.
3. The Opposition is barred by the doctrine of Unclean Hands.
4. The Opposition is barred by the doctrine of Waiver.
5. The Opposition is barred by the doctrine or Mistake.
6. The Opposition is barred by the doctrine of Fraud.

WHEREFORE, Applicant prays that the Opposition be dismissed with prejudice.

Respectfully Submitted:
Date: June 3, 2010

/Joseph A. Lopez/
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ATTORNEYS FOR APPLICANT

CERTIFICATE OF SERVICE

This is to certify that a copy of the foregoing **ANSWER TO NOTICE OF OPPOSITION** was served on Opposer on June 3, 2010

BY US MAIL

Jay H. Geller
12100 Wilshire Blvd., Suite 500
Los Angeles, CA 90025
UNITED STATES

/Claire Paterson/
CLAIRE PATERSON

DATE: June 3, 2010