



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

BELMONT BRANDS LIMITED,)
)
 Opposer,)
)
 v.) Opposition No. 91193306
)
 LES BOXERS BOYZ INC.,)
)
 Applicant.)

78/268,123

ANSWER

Applicant Les Boxers Boyz Inc., now by change of name Groupe Boyz Inc., answers opposer Belmont Brands Limited's opposition as follows:

1. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 1, and, therefore, the allegations of paragraph 1 are denied.

2. Admitted.

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 3, and, therefore, the allegations of paragraph 3 are denied.

4. Denied that a copy of Registration No. 2,884,711 was attached to the Notice of Opposition. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the

allegations of paragraph 4, and, therefore, the remainder of the allegations of paragraph 4 are denied.

5. Denied that a copy of Registration No. 3,538,951 was attached to the Notice of Opposition. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations of paragraph 5, and, therefore, the remainder of the allegations of paragraph 5 are denied.

6. Denied that a copy of Application Serial No. 77/135,741 was attached to the Notice of Opposition. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations of paragraph 6, and, therefore, the remainder of the allegations of paragraph 6 are denied.

7. Admitted.

8. Admitted that applicant is the owner of Application Serial No. 78/268,123 and that the application and the application file history are the best evidence and speak for themselves.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 9, and, therefore, the allegations of paragraph 9 are denied.

10. Applicant is without knowledge or information

sufficient to form a belief as to the truth of the allegations of paragraph 10, and, therefore, the allegations of paragraph 10 are denied.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 11, and, therefore, the allegations of paragraph 11 are denied.

12. Applicant is without knowledge or information sufficient to form a belief as to the truth of the allegations of paragraph 12, and, therefore, the allegations of paragraph 12 are denied.

13. Admitted that applicant has used the D2 trademark since at least as early as November 2003. Denied that registration of applicant's mark will cause dilution to any mark of opposer. Applicant is without knowledge or information sufficient to form a belief as to the truth of the remainder of the allegations of paragraph 13, and, therefore, the remainder of the allegations of paragraph 13 are denied.

14. Denied.

15. Denied.

16. Denied.

17. Denied.

18. Applicant denies all allegations not specifically admitted, denied, controverted or otherwise addressed in the above opposition.

19. Applicant denies that opposer is entitled to any of the relief requested in the opposition and the opposition should be dismissed with prejudice.

Affirmative Defenses

1. The opposition fails to state a claim upon which relief can be granted.

2. Applicant is the owner of and is entitled to exclusive use and registration of the trademark D2 for the goods identified in Application Serial No. 78/286,123.

3. Opposer is entitled to no relief as claimed in the opposition on the ground that opposer has not been and will not be damaged by applicant's use and registration of the trademark D2 as applied for in Application Serial No. 78/286,123.

WHEREFORE, applicant prays that the opposition be dismissed with prejudice.

Respectfully submitted,

LES BOXERS BOYZ INC., Now By Change
of Name, GROUPE BOYZ INC.

By 

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February 16, 2010

Attorneys for Applicant

CERTIFICATE OF SERVICE

It is hereby certified that on this 16th day of
February, 2010, a true copy of the foregoing paper entitled-

ANSWER

was served by First Class Mail, postage prepaid on -

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THEODORE A. BREINER