

IN THE UNITED STATES PATENT OFFICE

BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of trademark application Ser. No. 79/071,980 filed on February 9, 2009 for the mark WORLD IXI IXI published in the Official Gazette on January 18, 2011

WORLD GYM INTERNATIONAL)
IP, LLC)

Opposer)

v.)

Opposition No. 91200225

JACEK WAKSMUNDZKI,)

Applicant)

TRANSMITTAL LETTER

Commissioner for Patents and Trademarks
P.O. BOX 1450
Alexandria, Virginia 22313-1450
SIR:

Transmitted herewith for filing is:

<X> RESPONSE TO THE NOTICE OF OPPOSITION dated September 22, 2011 (in triplicate)

<X> The Commissioner is hereby authorized to charge any fees under 37 CFR. 1.16, 1.17 and 1.18 or any additional fees which may be required during the entire pendency of the application, or credit any over-payment, to Acct. No.11-0224. A duplicate copy of this sheet is enclosed. If and only if(r) account funds should be insufficient, immediately contact our associate, Lisa Zumwalt, at (703) 415-0579, who will pay immediately to avoid deprivation of rights.

< > Please charge my Deposit Account No.11-0224 in the amount of \$_____. A duplicate copy of this sheet is enclosed.

A signature or signatures required for the above-recited document(s) is (are) provided here-below. Such signature(s) also provide(s) ratification for any required signature appearing to be defective in the above-recited document(s).



09-27-2011

Horst M Kasper

Horst M. Kasper, 13 Forest Drive, Warren, N.J. 07059
Reg. No. 28,559 Tel.(908) 526-1717

CERTIFICATE OF MAILING under 37 CFR 1.8:

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to Commissioner for Patent and Trademarks, P.O. Box 1450, Alexandria, VA 22313-1450 on: 22 SEP 2011

Signature: *Molaf* Date: 22 SEP 2011

%am/

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

In the matter of trademark application Ser. No. 79/071,980 filed on February 9, 2009
for the mark WORLD IXI IXI published in the Official Gazette on January 18, 2011

WORLD GYM INTERNATIONAL)
IP, LLC)

Opposer)

v.)

Opposition No. 91200225

JACEK WAKSMUNDZKI,)

Applicant)

RESPONSE TO THE NOTICE OF OPPOSITION

SIR:

Jacek Waksmundzki, a citizen of Poland, residing at ul. Urwisko 4, PL-02-776
Warszawa, Poland, hereby responds to the Notice of Opposition:

1. Applicant leaves the Opposer to his proofs for the Opposer's first allegation.
2. Applicant leaves the Opposer to his proofs for the Opposer's second allegation.
3. Applicant leaves the Opposer to his proofs for the Opposer's third allegation.
4. Applicant admits that he filed a trademark application for registration of the mark "WORLD IXI IXI" in seven classes in the United States, but denies that he filed the trademark application on February 9, 2009.

5. Applicant denies the Opposer's fifth allegation.
6. Applicant leaves the Opposer to his proofs for the Opposer's sixth allegation.
7. Applicant leaves the Opposer to his proofs for the Opposer's seventh allegation.
8. Applicant leaves the Opposer to his proofs for the Opposer's eight allegation.
9. Applicant denies the ninth allegation of the Opposer.
10. Applicant denies the tenth allegation of the Opposer.
11. Applicant leaves the Opposer to his proofs for the Opposer's eleventh allegation.
12. Applicant leaves the Opposer to his proofs for the Opposer's twelfth allegation.
13. Applicant denies the thirteenth allegation of the Opposer.
14. Applicant denies the fourteenth allegation of the Opposer.
15. Applicant denies the fifteenth allegation of the Opposer.
16. Applicant leaves the Opposer to his proofs for the Opposer's sixteenth allegation.
17. Applicant leaves the Opposer to his proofs for the Opposer's seventeenth allegation.
18. Applicant denies the eighteenth allegation of the Opposer.
19. Applicant denies the nineteenth allegation of the Opposer.

Affirmative Defenses:

1. The goods of the Applicant are different from the goods of the Registrant.
2. No conflict is seen between the Registrant's marks and the Applicant's mark.

3. There is no confusion of a consumer between Registrant's marks and the Applicant's mark.

Wherefore Applicant believes that the Notice of Opposition is without merits and Applicant prays that the Opposition be denied and applicant's mark be registered.

Respectfully submitted,

Jacek Waksmundzki

By: 

Horst M. Kasper, Esq.
Attorney for Applicant
13 Forest Drive
Warren, N.J. 07059
Tel.(908)757-2839
Docket No.: LAC807

*%opposit(LAC807(September 22, 2011(am

CERTIFICATE OF SERVICE

Pursuant to Rule 5(b) of the Federal Rules of Civil Procedure, I, the undersigned Attorney, certify that on the 22th day of September 2011, a true copy of the foregoing RESPONSE TO NOTICE OF OPPOSITION was placed in an envelope, deposited or caused to be deposited with the United States Postal Service as first class mail and addressed to the following attorneys for Opposer:

Elliot B. Gipson
Fayer Gipson LLP
2029 Century Park East STE 3535
Los Angeles, CA 90067

Date: September 22, 2011



Horst M. Kasper, Esq.