

ESTTA Tracking number: **ESTTA472317**

Filing date: **05/14/2012**

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

Proceeding	91204581
Party	Defendant Barkatullah, Zia
Correspondence Address	BARKATULLAH, ZIA 5704 CYPRESS AVE APT 8 GARY, IN 46403-1975 UNITED STATES ziaries@aol.com
Submission	Answer
Filer's Name	Matthew H. Swyers
Filer's e-mail	mswyers@thetrademarkcompany.com
Signature	/Matthew H. Swyers/
Date	05/14/2012
Attachments	Answer.pdf (3 pages)(20855 bytes)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
The Trademark Trial and Appeal Board**

Serial No. 85/346,745
For the mark OPTIMAL NUTRITION CARE,

ON Optimum Nutrition Limited,	:	
	:	
Opposer,	:	
	:	
vs.	:	Opposition No. 91204581
	:	
Barkatullah, Zia,	:	
	:	
Applicant.	:	

ANSWER AND GROUNDS OF DEFENSE

COMES NOW the Applicant, Zia Barkatullah, (hereinafter “Applicant”), by and through counsel, The Trademark Company, PLLC, and files his Answer and Grounds of Defense to the Notice of Opposition and in response to Opposer’s allegations states as follows:

ANSWER

Applicant without knowledge of the allegations set forth in the First Introductory Paragraph of the Notice of Opposition and therefore denies the same.

1. Applicant is without knowledge of the allegations set forth in Paragraph 1 of the Notice of Opposition and therefore denies the same.
2. Applicant denies the allegations set forth in Paragraph 2 of the Notice of Opposition and demands strict proof thereof.
3. Applicant denies the allegations set forth in Paragraph 3 of the Notice of Opposition and demands strict proof thereof.
4. Applicant denies the allegations set forth in Paragraph 4 of the Notice of Opposition and demands strict proof thereof.
5. Applicant denies the allegations set forth in Paragraph 5 of the Notice of Opposition and demands strict proof thereof.

6. Applicant denies the allegations set forth in Paragraph 6 of the Notice of Opposition and demands strict proof thereof.

7. Applicant admits the allegations set forth in Paragraph 7 of the Notice of Opposition.

8. Applicant denies the allegations set forth in Paragraph 8 of the Notice of Opposition and demands strict proof thereof.

9. Applicant denies the allegations set forth in Paragraph 9 of the Notice of Opposition and demands strict proof thereof.

10. Applicant denies the allegations set forth in Paragraph 10 of the Notice of Opposition and demands strict proof thereof.

11. Applicant denies the allegations set forth in Paragraph 11 of the Notice of Opposition and demands strict proof thereof.

Applicant further denies all allegations not specifically, actually or constructively, admitted in the foregoing paragraphs of this Answer and Grounds of Defense.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed.

Respectfully submitted this 14th day of May 2012.

THE TRADEMARK COMPANY, PLLC

/Matthew H. Swyers/

Matthew H. Swyers, Esq.

344 Maple Avenue West, Suite 151

Vienna, VA 22180

Tel. (800) 906-8626

Facsimile (270) 477-4574

mswyers@TheTrademarkCompany.com

Counsel for Applicant

