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

Proceeding	91212950
Party	Defendant McFit GmbH
Correspondence Address	STACY C FRIENDS RUBERTO ISRAEL & WEINER PC 255 STATE STREET , 7TH FLOOR BOSTON, MA 02109 UNITED STATES trademark@riw.com
Submission	Answer
Filer's Name	Stacey C. Friends, Esq.
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Date	12/19/2013
Attachments	Answer - McFit.pdf(60080 bytes)

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

In the Matter of Application Serial Nos.: 79111190 and 79111490
Published in the Official Gazette on May 14, 2013 and May 21, 2013

McDonalds's Corporation
Opposer,

v.

McFit GmbH
Applicant

Consolidated Opposition No.: 91212950

ANSWER TO NOTICE OF OPPOSITION

Applicant, McFit GmbH, through its undersigned attorney, hereby responds to the Notice of Opposition filed by McDonald's Corporation and states for its Answer, with each numbered paragraph of the Answer corresponding to the numbered paragraphs of the Opposition as follows:

1. Admitted.
2. Registrant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 2 of the Notice of Opposition and therefore denies the same.
3. Registrant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 3 of the Notice of Opposition and therefore denies the same.
4. Registrant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 4 of the Notice of Opposition and therefore denies the same.

5. Registrant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 5 of the Notice of Opposition and therefore denies the same.
6. Registrant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 6 of the Notice of Opposition and therefore denies the same.
7. Registrant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 7 of the Notice of Opposition and therefore denies the same.
8. Registrant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 8 of the Notice of Opposition and therefore denies the same.
9. Registrant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 9 of the Notice of Opposition and therefore denies the same.
10. Denied as to Mark No. 19 in Opponent's list, MCDONALD'S ALL AMERICAN HIGH SCHOOL BASKETBALL TEAM, Reg. No. 1101769, which appears to be cancelled. Admitted as to the remainder of paragraph 10.
11. Denied as to Mark No. 19 listed in paragraph 10. Admitted as to the statement of trademark law regarding the benefits of federal registration. Registrant lacks sufficient knowledge and information to form a belief as to the truth of the remainder of the allegations of paragraph 11 of the Notice of Opposition and therefore denies the same.

12. Registrant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 12 of the Notice of Opposition and therefore denies the same.
13. Registrant lacks sufficient knowledge and information to form a belief as to the truth of the allegations of paragraph 13 of the Notice of Opposition and therefore denies the same.
14. Admitted as to the existence of the Applications in question. Denied as to the remainder of the allegations in paragraph 14.
15. Denied.
16. Denied.
14. (sic) Denied.

WHEREFORE, Applicant requests that this Notice of Opposition be dismissed.

APPLICANT'S AFFIRMATIVE DEFENSES

18. Opposer's Notice of Opposition fails to state a claim upon which relief may be granted.
19. Opposer's claim is barred by acquiescence.
20. Opposer's claim is barred by laches and estoppel from now asserting its claim.
21. Opposer's claim is barred by unclean hands.
22. Opposer's claims may be barred by additional defenses that may arise or become known during the course of this matter and Registrant therefore reserves the right to assert such additional defenses based upon further investigation and discovery.

Applicant again asks that the Notice of Opposition be dismissed and that judgment in favor of Applicant and against Opposer be entered.

Respectfully submitted,

MCFIT GMBH

By its attorneys,

/stacey c. friends/

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I hereby certify that a true copy of the foregoing document was served by first class mail, postage prepaid, on counsel for Petitioner, this 19th day of December, 2013.

/stacey c. friends/
Stacey C. Friends