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

Proceeding	91215688
Party	Defendant Maco Pharma
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Date	06/11/2014
Attachments	91215688 Answer to Amended Notice of Opposition.pdf(116370 bytes)

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

THERAKOS, INC.,)	
)	
Opposer,)	
)	
v.)	Opposition No. 91215688
)	
MACO PHARMA,)	
)	
Applicant)	
)	

ANSWER TO AMENDED NOTICE OF OPPOSITION

Applicant Maco Pharma (“Applicant”) denies that Opposer will be damaged by registration of the opposed mark and answers the numbered grounds for opposition as follows:

1. Applicant denies that its mark THERAFLEX is confusingly similar to Opposer’s asserted mark and is without adequate knowledge to determine the truth of the remaining allegations contained in paragraph 1 and therefore denies the same.

2. Applicant is without adequate knowledge to determine the truth of the allegations contained in paragraph 2 and therefore denies the same.

3. Applicant is without adequate knowledge to determine the truth of the allegations contained in paragraph 3 and therefore denies the same. Applicant makes no response to those allegations of paragraph 3 that purport to state legal conclusions.

4. Applicant admits that Exhibit 1 is a copy of the TESS electronic database of the USPTO for U.S. Registration No. 4,115,195, the contents of which speak for themselves. Applicant is without adequate knowledge to determine the truth of the remaining allegations contained in paragraph 4 and therefore denies the same.

5. Admitted.
6. Omitted in Notice of Opposition
7. Applicant is without adequate knowledge to determine the truth of the allegations contained in paragraph 7 and therefore denies the same.
8. Applicant makes no response to those allegations of paragraph 8 that purport to state legal conclusions. Applicant is without adequate knowledge to determine the truth of the remaining allegations contained in paragraph 8 and therefore denies the same. Applicant denies that its THERFLEX trademark closely resembles the term THERAKOS.
9. Applicant makes no response to those allegations of paragraph 9 that purport to state legal conclusions. Applicant is without adequate knowledge to determine the truth of the remaining allegations contained in paragraph 9 and therefore denies the same.
10. Applicant makes no response to those allegations of paragraph 10 that purport to state legal conclusions. Applicant is without adequate knowledge to determine the truth of the remaining allegations contained in paragraph 10 and therefore denies the same.
11. Applicant makes no response to those allegations of paragraph 11 that purport to state legal conclusions. Applicant is without adequate knowledge to determine the truth of the remaining allegations contained in paragraph 11 and therefore denies the same.
12. Applicant denies that Opposer is entitled to any relief requested in its Notice of Opposition.
13. Applicant denies any allegation in the Notice of Opposition that it has not explicitly admitted.

FIRST AFFIRMATIVE DEFENSE

One or more of Opposer's claims fails to state a claim upon which relief may be granted.

SECOND AFFIRMATIVE DEFENSE

One or more of Opposer's claims are barred by the equitable defenses of laches, acquiescence, waiver, or estoppel.

Respectfully submitted,

June 11, 2014

/s/ Andy I. Corea
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Attorneys for Applicant, Maco Pharma

CERTIFICATE OF SERVICE

This is to certify that a true and correct copy of the foregoing **ANSWER TO AMENDED NOTICE OF OPPOSITION** was served via electronic mail and first class mail, postage prepaid, on counsel for the Opposer at the following address:

James G. Goggin
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Date: June 11, 2014

/s/ Joan M. Burnett

Joan M. Burnett