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

Proceeding	91224818
Party	Defendant Luciano Sztulman M.D., Inc.
Correspondence Address	ROBERT SALTER SALTER & MICHAELSON 321 SOUTH MAIN ST SUITE 500 PROVIDENCE, RI 02903 UNITED STATES rsalter@saltermichaelson.com
Submission	Answer
Filer's Name	Robert Salter
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Signature	/Robert Salter/
Date	01/15/2016
Attachments	answer to opposition.pdf(60543 bytes )

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

Market America, Inc.	:	
Opposer,	:	Opposition #91224818
vs.	:	TM: VITAMINDFUL
Luciano Sztulman M.D.,Inc.	:	Serial #86/469018
Applicant.	:	

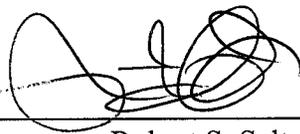
In answer to the above identified Opposition, filed by Market America, Inc. Inc., a North Carolina corporation, whose address is 1302 Pleasant Ridge Road, Greensboro, North Carolina 27409, Applicant states as follows, the paragraphs hereof being numbered to correspond with the like-numbered paragraphs of the Notice of Opposition.

1. Admitted.
2. Applicant is without sufficient knowledge to form a belief concerning the allegations of Paragraph 2 of the Notice of Opposition and therefore denies same and leaves Opposer to its proofs.
3. Admitted.
4. Applicant is without sufficient knowledge to form a belief concerning the allegations of Paragraph 4 of the Notice of Opposition and therefore denies same and leaves Opposer to its proofs.
5. Applicant is without sufficient knowledge to form a belief concerning the allegations of Paragraph 5 of the Notice of Opposition and therefore denies same and leaves Opposer to its proofs.
6. Admitted.

7. Applicant is without sufficient knowledge to form a belief concerning the allegations of Paragraph 7 of the Notice of Opposition and therefore denies same and leaves Opposer to its proofs.
8. Applicant is without sufficient knowledge to form a belief concerning the allegations of Paragraph 8 of the Notice of Opposition and therefore denies same and leaves Opposer to its proofs.
9. Denied.
10. Applicant is without sufficient knowledge to form a belief concerning the allegations of Paragraph 10 of the Notice of Opposition and therefore denies same and leaves Opposer to its proofs.
11. Denied.
12. Denied.
13. Denied.
14. Denied.
15. Applicant further states affirmatively that Opposer has not and could not suffer any damage by reason of Applicant's registration of VITAMINDFUL since there is no appreciable likelihood of confusion.
16. The Patent and Trademark Office has taken the position that Applicant's application for VITAMINDFUL is not likely to be confused with Opposer's VITA-MIND registration.
17. There are other co-existing registrations in the relevant classes having the word VITAMIN therein or words of similar sound and appearance.
18. The differences in the respective marks, goods, marketing channels and geographic location support a finding that there is no likelihood of confusion.

WHEREFORE, Applicant prays that the Opposition be dismissed with prejudice and that Applicant's registration be granted.

Luciano Sztulman M.D., Inc.  
By its Attorneys:  
SALTER & MICHAELSON

By :   
Robert S. Salter

Dated: January 15, 2016

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**CERTIFICATE OF SERVICE**

This will hereby certify that a copy of the foregoing Answer to Notice of Opposition has been served on Opposer's attorney on the 15 day of January, 2016, by transmitting a copy thereof via first-class mail, postage prepaid, as follows:

Clement D. Erhardt, Esq.  
Market America, Inc.  
1302 Pleasant Ridge Road  
Greensboro, North Carolina 27409

  
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Certifier