



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

TWENTIETH CENTURY FOX FILM)
CORPORATION)
Opposer,)
)
vs.)
)
NUTRACLICK, LLC)
)
Applicant.)
)

Opposition No. 91225568
Application Serial No. 86/449185

Attorney's Reference: 108116-395359

APPLICANT'S MOTION TO VACATE NOTICE OF DEFAULT

Applicant, NutraClick, LLC, through its counsel, hereby requests that the Board vacate the notice of default issued in this matter. Specifically, Applicant timely filed an Answer on February 8, 2016, as evidenced by the attached dated stamped copy of the Applicant's Answer.

It is noted that the date on the Certificate of Service is incorrect.

While Applicant did, in fact, serve a copy of Applicant's Answer on counsel for the Opposer on February 8, 2016, the additional copy being served with this Motion should eliminate any doubt as to whether or not Opposer's counsel received a copy of that Answer.

In view of the foregoing, it is respectfully requested that the Notice of Default be vacated and that the trial dates in this proceeding be reset.

Respectfully submitted,

Dated: March 9, 2016

Mark B. Harrison
Rebecca Liebowitz
Jeremy Klass
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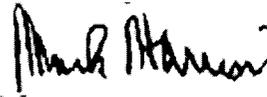
03-09-2016

U.S. Patent & TMO/TM Mail Rpt Dt #

CERTIFICATE OF SERVICE

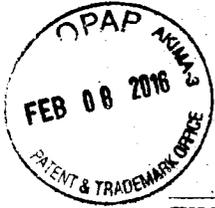
The undersigned, attorney for Applicant, hereby certifies that this 9th day of March, 2016, he served, by first-class mail, postage prepaid, a copy of APPLICANT'S MOTION TO VACATE NOTICE OF DEFAULT upon

Linda K. McLeod
Kelly IP, LLP
1919 M Street, N.W., Suite 610
Washington, DC 20036



Mark B. Harrison

TTAB



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TWENTIETH CENTURY FOX FILM)
 CORPORATION)
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 NUTRACLICK, LLC)
 Applicant.)

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APPLICANT'S ANSWER

Applicant, NutraClick, LLC, through its counsel, hereby Answers the Notice of Opposition as follows:

Applicant denies each and every allegation of the Notice of Opposition unless otherwise admitted or responded to as follows:

1. Answering paragraph 1 of the Notice, applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 1 of the Notice, and therefore denies the same.
2. Answering paragraph 2 of the Notice, applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 2 of the Notice, and therefore denies the same.
3. Answering paragraph 3 of the Notice, applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 3 of the Notice, and therefore denies the same.



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4. Answering paragraph 4 of the Notice, applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 4 of the Notice, and therefore denies the same.
5. Answering paragraph 5 of the Notice, applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 5 of the Notice, and therefore denies the same.
6. Answering paragraph 6 of the Notice, applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 6 of the Notice, and therefore denies the same.
7. Answering paragraph 7 of the Notice, applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 7 of the Notice, and therefore denies the same.
8. Answering paragraph 8 of the Notice, applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 8 of the Notice, and therefore denies the same.
9. Answering paragraph 9 of the Notice, applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 9 of the Notice, and therefore denies the same.
10. Answering paragraph 10 of the Notice, applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 10 of the Notice, and therefore denies the same.

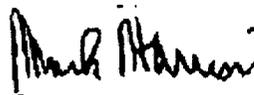
11. Answering paragraph 11 of the Notice, applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 11 of the Notice, and therefore denies the same.
12. Answering paragraph 12 of the Notice, applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 12 of the Notice, and therefore denies the same.
13. Admitted
14. Admitted
15. Answering paragraph 15 of the Notice, applicant repeats and realleges each and every answer set forth above.
16. Answering paragraph 16 of the Notice, applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 16 of the Notice, and therefore denies the same.
17. Answering paragraph 17 of the Notice, applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 17 of the Notice, and therefore denies the same.
18. Denied
19. Answering paragraph 19 of the Notice, applicant repeats and realleges each and every answer set forth above.
20. Answering paragraph 20 of the Notice, applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 20 of the Notice, and therefore denies the same.

21. Answering paragraph 21 of the Notice, applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 21 of the Notice, and therefore denies the same.
22. Answering paragraph 22 of the Notice, applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 22 of the Notice, and therefore denies the same.
23. Answering paragraph 23 of the Notice, applicant lacks knowledge or information sufficient to form a belief concerning the allegations of paragraph 23 of the Notice, and therefore denies the same.

WHEREFORE, Applicant prays that the Notice of Opposition be denied, that this action be dismissed with prejudice, and that Application Serial No. 8 be forwarded for issuance of a Notice of Allowance.

Please conduct all future correspondence regarding this Opposition with the undersigned.

Respectfully submitted,



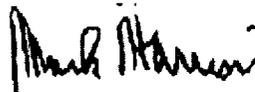
Dated: February 8, 2016

Mark B. Harrison
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Attorneys for Applicant

CERTIFICATE OF SERVICE

The undersigned, attorney for Applicant, hereby certifies that this 5th day of June, 2014, he served, by first-class mail, postage prepaid, a copy of the **ANSWER** upon

Linda K. McLeod
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Washington, DC 20036



Mark B. Harrison