

TTAB

I hereby certify that this Answer to Consolidated Notice of Opposition by Zygam, Inc. for the marks ZYGAM is being deposited with the United States Postal Service as "Express Mail Post Office to Addressee," mailing label no. EV 177 689 978 US, in an envelope addressed to BOX TTAB NO FEE, Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3514 on August 19, 2002.

Patricia Muñoz
Patricia Muñoz

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

In the matters of: Zygam, Inc.
Serial Number: 75/843,666
Mark: ZYGAM
Published Official Gazette: TM 176 on July 31, 2002

Serial Number: 75/843,665
Mark: ZYGAM
Published Official Gazette: TM 487 on July 31, 2002

U.S. Patent & TMO/c/TM Mail Rcpt. Dt. #57
08-19-2002

GEL TECH, L.L.C.,

Opposer,

vs.

ZYGAM, INC.,

Applicant.

Opposition No. 152,049

TRADEMARK TRIAL AND
APPEAL BOARD
02 AUG 27 AM 12: 10

ANSWER TO CONSOLIDATED NOTICE OF OPPOSITION

BOX TTAB – NO FEE
Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3514

Sir or Madam:

Applicant, ZYGAM, INC., by its attorneys, answers the Consolidated Notice of

Opposition as follows:

1. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 1 and on that basis denies the same.

2. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 2 and on that basis denies the same.

3. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations contained in paragraph 3 and on that basis denies the same.

4. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations in paragraph 4 and on that basis denies the same.

5. Applicant admits the allegations made in Paragraph 5 of the Consolidated Notice of Opposition.

6. Applicant denies the allegations in Paragraph 6 of the Consolidated Notice of Opposition.

7. Applicant denies the allegations in Paragraph 7 of the Consolidated Notice of Opposition.

8. Applicant denies the allegations in Paragraph 8 of the Consolidated Notice of Opposition.

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WHEREFORE, Applicant prays that the Consolidated Notice of Opposition be dismissed in its entirety, and that registrations issue to Applicant for its ZYGAM marks.

Date: 8/19/02

ZYGAM, INC.

By: 

PILLSBURY WINTHROP LLP
GABRIELLE A. HOLLEY
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Counsel for Applicant

Opposition No. 152,049

PROOF OF SERVICE BY MAIL

I, Patricia Muñoz, hereby declare:

1. I am over the age of 18 years and am not a party to the within cause. I am employed by Pillsbury Winthrop LLP in San Diego, California.
2. My business and mailing address is: 11682 El Camino Real, Suite 200, San Diego, California 92130.
3. I am readily familiar with Pillsbury Winthrop LLP's practice for collection and processing of correspondence for mailing with the United States Postal Service; in the ordinary course of business, correspondence placed in interoffice mail is deposited with the United States Postal Service with first-class postage thereon fully prepaid on the same day it is placed for collection and mailing.
4. On August 19, 2002 at 11682 El Camino Real, San Diego, California, I served a true copy of the attached document titled exactly **ANSWER TO CONSOLIDATED NOTICE OF OPPOSITION** by placing it in an envelope clearly labeled to identify the person being served at the address shown below, which envelope was then sealed and placed in interoffice mail for collection and deposit in the United States Postal Service on that date following ordinary business practices:

Daniel J. Noblitt, Esq.
SNELL & WILMER L.L.P.
One Arizona Center
400 East Van Buren
Phoenix, Arizona 85004-2202

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 19th day of August, 2002, at San Diego, California.


Patricia Muñoz