

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

In the Matter of Application:

Applicant: Horphag Research Limited

Serial No.: 75/826,851

Filed: October 19, 1999

Trademark: PYCNO

Published: January 22, 2002

INTERNATIONAL NUTRITION COMPANY,

Opposer,

v.

HORPHAG RESEARCH LTD.,

Applicant.

Opposition No. 91152660

**APPLICANT'S ANSWER TO NOTICE OF OPPOSITION**

Applicant, Horphag Research Limited, by its attorney, hereby answers the allegations set forth in the Notice of Opposition as follows:

1. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 1 of the Notice of Opposition and, therefore, denies said allegations.

2. Applicant denies the allegations contained in Paragraph 2 of the Notice of Opposition.

3. Applicant has insufficient knowledge or information as to the truth of the allegations set forth in Paragraph 3 of the Notice of Opposition and, therefore, denies said allegations.

4. Applicant has insufficient knowledge or information as to the truth of the allegations concerning Opposer's interest in using and registering the mark PYCNOGENOL as set forth in Paragraph 4 of the Notice of Opposition and denies that Opposer has any right, title or interest in the mark PYCNOGENOL.

5. Applicant admits the allegations set forth in Paragraph 5 of the Notice of Opposition to the extent that Applicant markets and distributes products having an antioxidant effect throughout the world including the United States, but denies the remaining allegations in this paragraph.

6. Applicant admits the allegations contained in Paragraph 6 of the Notice of Opposition to the extent that a predecessor to Horphag Research Ltd. entered into a contract dated July 12, 1971, but denies the remaining allegations in this paragraph.

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

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

9. Applicant denies the allegations contained in Paragraph 9 of the Notice of Opposition.

10. Applicant admits the allegations contained in Paragraph 10 of the Notice of Opposition to the extent that Applicant is the owner of record of Reg. No. 1,769,633 for the mark PYCNOGENOL for dietary and nutritional supplements and that a cancellation proceeding is pending, but denies the remaining allegations in this paragraph.

11. Applicant admits the allegations contained in Paragraph 11 of the Notice of Opposition to the extent that Applicant seeks to register the mark PYCNO, but denies the remaining allegations contained in this paragraph.

12. Applicant denies the allegations contained in Paragraph 12 of the Notice of Opposition and specifically denies that Opposer has any right, title or interest in the PYCNOGENOL mark.

13. To the extent that any allegation has not been denied or admitted, it is hereby denied.

WHEREFORE, Applicant prays that the instant opposition be dismissed with prejudice.

Respectfully submitted  
Horphag Research Limited

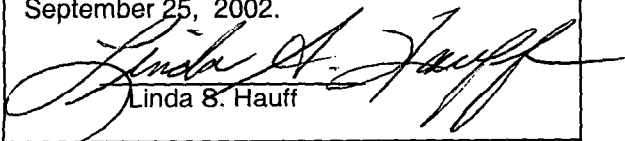


By: Marvin S. Gittes  
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**CERTIFICATE OF MAILING**

I hereby certify that the foregoing Answer to Notice of Opposition is being deposited with the US Postal Service a first class mail, postage prepaid, in an envelope addressed to: BOX TTAB NO FEE, Assistant Commissioner for Trademarks, 2900 Crystal Drive, Arlington, VA 22202-3513 on September 25, 2002.

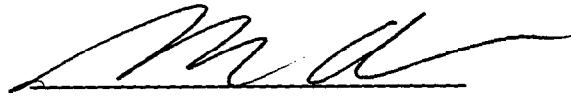


Linda S. Hauff

**CERTIFICATE OF SERVICE**

I hereby certify that a true and correct copy of the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION was served via first class mail, postage prepaid, in an envelope addressed to the following counsel for Opposer at the address below on this 25<sup>th</sup> day of September 2002.

Norman H. Zivin  
Donna A. Tobin  
1185 Avenue of the Americas  
New York, NY 10036

A handwritten signature in black ink, appearing to read 'M.A. Adler', written over a horizontal line.

Michael A. Adler

TTAB

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September 25, 2002

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09-27-2002

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APPEAL BOARD  
OCT -4 AM 12:36

**Re: International Nutrition Company, Opposer  
v. Horphag Research Ltd., Applicant  
Opposition No. 91152660  
Our Ref: 103265-47615**

Dear sir:

Enclosed is an original of APPLICANT'S ANSWER TO NOTICE OF OPPOSITION in the above referenced Opposition Proceeding, containing certificates of mailing and service, along with an acknowledgment postcard. Please stamp date the postcard and return it to the undersigned. Thank you.

Very truly yours,

Michael A. Adler

MAA/Ish

Enclosure

#45322 v2  
103265-45639

Ja.