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

Proceeding	91165506
Party	Defendant TSA Corporate Services, Inc.
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Date	09/07/2007
Attachments	answer.pdf (3 pages)(25047 bytes)

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

SARA LEE GLOBAL FINANCE, L.L.C.,

Opposer,

Opposition No.: 91165506

v.

Serial No. 78/386,608

TSA CORPORATE SERVICES, INC.,

Applicant.

_____ /

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DEFENDANT'S ANSWER TO NOTICE OF OPPOSITION

For its answer to the Notice of Opposition filed by Plaintiff/Opposer Sara Lee Global Finance, LLC ("Sara Lee"), Applicant/Defendant TSA Corporate Services, Inc. ("TSA"), by its attorneys Honigman Miller Schwartz and Cohn LLP, on behalf of Applicant TSA Corporate Services, Inc., says the following:

1-4. TSA does not have sufficient information to admit or deny this allegation.

5. Denied, except to admit that TSA has filed the referenced application, Serial No. 78/386,608, the contents of which speak for themselves.

6-8. Denied.

Wherefore, TSA respectfully requests that the Board dismiss this Opposition, deny Sara Lee any relief, allow TSA's Application, award TSA its costs and attorneys' fees incurred in connection with this Opposition, and any further relief that the Board deems just and warranted.

AFFIRMATIVE DEFENSES

1. The Notice of Opposition fails to state a claim upon which relief may be granted.
2. TSA's BODYFIT BY SPORTS AUTHORITY & Design mark is independently distinctive as compared to Sara Lee's EVOLUTION BODYFIT mark, and therefore does not so resemble Sara Lee's mark as to be likely, when used on or in connection with the goods or services of TSA or its licensees, to cause confusion or mistake, or to deceive.
3. The claims are barred in whole or in part by the doctrines of waiver, estoppel, and/or laches and/or by Sara Lee's own conduct.
4. Sara Lee and/or its alleged predecessors in interest have engaged in naked licensing with respect to the asserted trademarks and should therefore be prevented from asserting rights in such trademarks against others.
5. This matter was compromised and settled by Opposer's predecessor in interest.
6. Opposer's mark is weak and entitled to only narrow protection, if any.
7. Opposer's mark was abandoned by virtue of an assignment in gross.
8. TSA reserves the right to assert additional Affirmative Defenses as they become known or are revealed during discovery.

Respectfully submitted,

HONIGMAN MILLER SCHWARTZ AND COHN LLP

By: /Brian D. Wassom/

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Dated: September 7, 2007

CERTIFICATE OF TRANSMITTAL

I hereby certify that on September 7, 2007, the foregoing document was electronically transmitted in PDF format to the Trademark Trial and Appeal Board through the Electronic System for Trademark Trials and Appeals (ESTTA).

By: /Brian D. Wassom/

Brian D. Wassom

CERTIFICATE OF SERVICE

I certify that on September 7, 2007, I caused a copy of the foregoing document to be served via First Class Mail, postage prepaid, to:

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