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

Proceeding	91170127
Party	Defendant Nexagen USA, LLC Nexagen USA, LLC 530 portage lakes drive Akron, OH 44319
Correspondence Address	DERON A. COOK BROUSE MCDOWELL 388 SOUTH MAIN STREET, SUITE 500 AKRON, OH 44311
Submission	Answer
Filer's Name	Deron A. Cook
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Date	06/07/2006
Attachments	applicant's answer to opposition.pdf (4 pages)(75892 bytes)

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

MedImmune, INC.,)	OPPOSITION NO.: 91170127
)	
Opposer,)	SERIAL NO.: 78/506,228
)	
v.)	MARK: SYNERGEX
)	
Nexagen USA, LLC)	
)	FILING DATE: October 26, 2004
Applicant.)	
)	PUBLISHED: February 21, 2006
)	

ATTN: T.T.A.B.
Commissioner for Trademarks
P.O. Box 1451
Alexandria, VA 22313-1451

APPLICANT'S ANSWER TO OPPOSITION

Applicant, Nexagen USA LLC (“Applicant”), an Ohio limited liability company located at 1090 E. Tallmadge Avenue, Akron, OH 44310, hereby Answers the Notice of Opposition (the “Opposition”) of MedImmune, Inc. (“Opposer”) and admits, denies and alleges as follows:

1. Applicant is without sufficient information to admit or deny the allegations contained in Paragraph 1 of the Notice of Opposition and therefore denies the same.
2. Applicant is without sufficient information to admit or deny the allegations contained in Paragraph 2 of the Notice of Opposition and therefore denies the same.

3. Applicant is without sufficient information to admit or deny the allegations contained in Paragraph 3 of the Notice of Opposition and therefore denies the same.

4. Applicant is without sufficient information to admit or deny the allegations contained in Paragraph 4 of the Notice of Opposition and therefore denies the same.

5. Applicant is without sufficient information to admit or deny the allegations contained in Paragraph 5 of the Notice of Opposition and therefore denies the same.

6. Applicant is without sufficient information to admit or deny the allegations contained in Paragraph 6 of the Notice of Opposition and therefore denies the same.

7. Denied.

8. Denied.

9. Denied.

10. Denied.

11. Applicant admits that its mark SYNERGEX is intended to be used with “nutraceuticals for use as a dietary supplement, nutritional and herbal supplements.” Applicant denies the remaining allegations in Paragraph 11 of the Notice of Opposition.

12. Denied.

WHEREFORE, Applicant requests that the Notice of Opposition be dismissed and that application serial number 78/506,228 for the mark SYNERGEX be allowed to proceed to registration.

The Certificate of Service on Counsel for Opposer Pursuant to Trademark Rule 2.119 is attached hereto.

Respectfully submitted,

BROUSE McDOWELL

/s/ Deron A. Cook

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CERTIFICATION UNDER 37 C.F.R. §1.8

I hereby certify that this ANSWER TO NOTICE OF OPPOSITION, is being filed electronically with the United States Patent and Trademark Office utilizing the *Electronic System for Trademark Trials and Appeals* this 7th day of June, 2006.

s/Deron A. Cook_____

Dereon A. Cook

One of the Attorneys for Defendant/Applicant



CERTIFICATE OF SERVICE

The undersigned hereby certifies that a true and correct copy of the foregoing ANSWER TO NOTICE OF OPPOSITION was served upon Plaintiff/Opposer's counsel via courier this 7th day of June, 2006 next day delivery, postage prepaid, addressed as follows:

Constance Golden, Esq.
Abelman, Frayne & Schwab
666 Third Avenue
New York, NY 10017-5621

Attorney/Agent for Opposer

s/ Deron A. Cook_____

Deron A. Cook

One of the Attorneys for Defendant/Applicant

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