

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

THE TRUSTEES OF THE UNIVERSITY	)	
OF PENNSYLVANIA,	)	
Opposer	)	
	)	Opposition No. 91171787
v.	)	
	)	
PROPST PHARMACEUTICALS, LLC.	)	
Applicant	)	

ANSWER AND AFFIRMATIVE DEFENSES

Applicant hereby answers the Notice of Opposition filed by Opposer against U.S. Trademark Application Serial Nos. 76/637,553 and 76/637,328 as follows:

1. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, and on that basis denies the same and requires strict proof thereof.
2. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, and on that basis denies the same and requires strict proof thereof.
3. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, and on that basis denies the same and requires strict proof thereof.
4. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, and on that basis denies the same and requires strict proof thereof.
5. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, and on that basis denies the same and requires strict proof thereof.
6. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, and on that basis denies the same and requires strict proof thereof.



7. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, and on that basis denies the same and requires strict proof thereof.

8. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, and on that basis denies the same and requires strict proof thereof.

9. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, and on that basis denies the same and requires strict proof thereof.

10. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, and on that basis denies the same and requires strict proof thereof.

11. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, and on that basis denies the same and requires strict proof thereof.

12. Denied.

13. Admits.

14. Applicant lacks sufficient knowledge or information to form a belief as to the truth or falsity of the allegations, and on that basis denies the same and requires strict proof thereof.

15. Denied.

16. Denied.

17. Denied.

18. Denied.

#### **AFFIRMATIVE DEFENSES**

1. There is no likelihood of confusion between Opposer's marks and Applicant's marks.

2. Opposer's marks are not strong, famous, or well recognized and Opposer cannot demonstrate that its marks have been or will be damaged and/or diluted.

3. The goods and services associated with Opposer's marks are substantially different from those associated with Applicant's marks, so as to preclude a likelihood of confusion.
4. The trade channels associated with Opposer's marks are substantially different from those associated with Applicant's marks, so as to preclude a likelihood of confusion.
5. The purchasers of goods and services from both Opposer and Applicant do not act impulsively, but rather are careful, sophisticated purchasers, further precluding a likelihood of confusion.
6. There is no evidence of actual confusion between Opposer's marks and Applicant's mark.

WHEREFORE, Applicant, by and through its counsel, respectfully requests that the Opposition be dismissed and that its applications for U.S. Serial Nos. 76/637,553 and 76/637,328 be allowed to become registered.

Respectfully submitted



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Frank M. Caprio  
J. Mark Bledsoe  
Counsel for Applicant  
Propst Pharmaceuticals, LLC

**Certificate of Service**

I hereby certify that the attached correspondence is being transmitted via first class mail addressed to the following on this 21<sup>st</sup> day of August, 2006:

James R. Meyer  
Bruce A. McDonald  
SCHNADER HARRISON SEGAL & LEWIS, LLP  
1600 Market Street, Suite 3600  
Philadelphia, PA 19103-7213



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**CERTIFICATION OF 37 CFR 1.8 FIRST CLASS MAILING  
WITH THE UNITED STATES POSTAL SERVICE**

I hereby certify that this document is being deposited with the United States Postal Service as First Class Mail under 37 CFR 1.8 in an envelope addressed to Box TTAB - No Fee, Commissioner of Trademarks, P.O. Box 1451, Alexandria, VA 22313-1451 on this 21<sup>st</sup> day of August, 2006.



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