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

Proceeding	91174818
Party	Defendant NxCare, Inc. NxCare, Inc. 218 Silvercreek Pkwy. N, Suite 1163 Guelph, Ontario N1H 8E8, CA
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Submission	Answer
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Date	01/30/2007
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the matter of Application Serial No. 76/652,161
Published in the *Official Gazette* on August 29, 2006

Iovate Health Sciences International, Inc.	Opposition No. 91174818
and	
Iovate Health Sciences USA, Inc.	Mark: THE FUTURE OF BODYBUILDING
<i>Opposers,</i>	
vs.	
Wellnx Life Sciences, Inc. f/k/a NxCare, Inc.	
<i>Applicant.</i>	

ANSWER

Applicant, Wellnx Life Sciences, Inc. f/k/a NxCare, Inc. (“Applicant”), by and through its undersigned attorneys, answers the Notice of Opposition of Opposer Iovate Health Sciences International, Inc. (“Opposer”), and respectfully states as follows:

1. Applicant admits that it seeks to register the trademark THE FUTURE OF BODYBUILDING for use in connection with dietary supplements in International Class 5.
2. Applicant is without knowledge and information sufficient to form a belief as to the truth of the averments of paragraph 2 of the Notice of Opposition and therefore denies same.
3. Applicant admits that its goods are intended to be used by, among others, persons who are interested in body building.
4. Applicant denies the averments of paragraph 4 of the Notice of Opposition.

5. Applicant is without knowledge and information sufficient to form a belief as to the truth of the averments of paragraph 5 of the Notice of Opposition and therefore denies same.

6. Applicant denies the averments of paragraph 6 of the Notice of Opposition.

7. Applicant denies the averments of paragraph 7 of the Notice of Opposition.

8. Applicant denies the averments of paragraph 8 of the Notice of Opposition.

9. Applicant denies the averments of paragraph 9 of the Notice of Opposition.

10. Applicant denies the averments of paragraph 10 of the Notice of Opposition.

11. Admitted.

12. Applicant denies the averments of paragraph 12 of the Notice of Opposition.

13. Applicant denies the averments of paragraph 13 of the Notice of Opposition.

14. Applicant states further that Opposer fails to state a claim upon which relief may be granted.

15. Applicant reserves the right to add further affirmative defenses that may come to light during the pendency of this action by discovery or otherwise.

WHEREFORE, Applicant prays that the Notice of Opposition be dismissed with prejudice and that Applicant's mark THE FUTURE OF BODYBUILDING, the subject of Application Serial No. 76/652,161, be issued on the Principal Register.

Respectfully submitted,

DATED: January 30, 2007

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f/k/a NxCare, Inc.

CERTIFICATE OF SERVICE

The undersigned certifies that a true and correct copy of the foregoing ANSWER was served via U.S. first class mail, postage prepaid, on January 30, 2007, upon the following:

Howard J. Shire
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Attorney for Opposers
Iovate Health Sciences International Inc.
Iovate Health Sciences U.S.A. Inc.

/Bryan A. Schwartz/
Bryan A. Schwartz
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