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

Proceeding	91175267
Party	Defendant Active Organics LP Active Organics LP 1097 Yates Street Lewisville, TX 750574829 lpaul@cosmeticslaw.com
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Submission	Answer
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Date	03/02/2007
Attachments	502-003 -- 2007.03.02 -- Answer to Notice of Opposition.pdf (5 pages)(347000 bytes)

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

In the Matter of Application Serial Number 78/819338
Published in the Official Gazette on September 26, 2006
For the Mark: ACTIFIRM

L'ORÉAL CREATIVE USA, INC.	:	Opposition No. 91175267
Opposer	:	
	:	
vs.	:	
	:	
ACTIVE ORGANICS, LP	:	
Applicant	:	

Answer To Notice of Opposition

Active Organics, LP (“Applicant”) by its attorneys, Louis C. Paul & Associates, PLLC, in and for its Answer to the Notice of Opposition dated January 23, 2007 by L’Oréal Creative USA, Inc. (“Opposer”) states and avers as follows:

1. Denies that Opposer will be damaged by registration of the mark ACTIMATRIX in IC 001, IC 003 and IC 005.

2. With respect to the allegations in Paragraph 1 of the Notice of Opposition, Applicant admits that L’Oréal USA Creative, Inc. is a corporation registered with the Delaware Secretary of State and that the records of the New York Secretary of State indicate that L’Oréal USA Creative, Inc. has a Principal Executive Office at 575 Fifth Avenue, New York, NY.

3. Denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in Paragraph 2 of the Notice of Opposition and accordingly denies same.

4. With respect to the allegations in Paragraph 3 of the Notice of Opposition, Applicant admits that L'Oreal USA Creative, Inc. is listed on the USPTO TARR web server as the registered owner of Registration No. 2,226,310 for the mark MATRIX and Registration No. Registration No. 2,529,847 for the mark MATRIX, and is listed on the Trademark Assignment web server as the Assignee for Registration No. 1,569,113 for the mark MATRIX. Applicant further admits that L'Oreal USA Creative, Inc. is listed on the USPTO TARR web server as the applicant for Ser. No. 77/013,775 for the mark MATRIX ESSENTIALS, Ser. No. 78/674560 for the mark MATRIX DESTINATION, and Ser. No. 78/694,765 for the mark MATRIX MEN STYLE CONTROL SYSTEM.

5. Denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in Paragraph 4 of the Notice of Opposition and accordingly denies same.

6. Denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in Paragraph 5 of the Notice of Opposition and accordingly denies same.

7. Denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in Paragraph 6 of the Notice of Opposition and accordingly denies same.

8. Denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in Paragraph 7 of the Notice of Opposition and accordingly denies same.

9. Denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in Paragraph 8 of the Notice of Opposition and accordingly denies same.

10. Denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in Paragraph 9 of the Notice of Opposition and accordingly denies same.

11. Denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in Paragraph 10 of the Notice of Opposition and accordingly denies same.

12. With respect to the allegations contained in Paragraph 11 of the Notice of Opposition, Applicant admits that Active Organics, LP is a Texas limited partnership composed of Active Group Management, LLC as its general partner with an address at 1097 Yates Street, Lewisville, Texas 75057.

13. Denies the allegations contained in Paragraph 12 of the Notice of Opposition.

14. With respect to the allegations contained in Paragraph 13 of the Notice of Opposition, Applicant avers that the mark ACTIMATRIX has been used in commerce.

15. Denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in Paragraph 14 of the Notice of Opposition and accordingly denies same.

16. Denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in Paragraph 15 of the Notice of Opposition and accordingly denies same.

17. Denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in Paragraph 16 of the Notice of Opposition and accordingly denies same.

WHEREFORE, Applicant prays that the Board deny the opposition and proceed to the registration of Serial No. 78/819338 for the mark ACTIMATRIX in International Classes 001; 003; and 005.

Respectfully submitted,

A handwritten signature in cursive script, appearing to read "Louis C. Paul", is written over a horizontal line.

Louis C. Paul, Esq.
Applicant's Attorney
USPTO Reg. No. 53,442

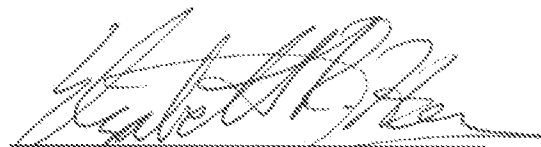
Dated: March 2, 2007

Louis C. Paul & Associates, PLLC
730 Fifth Avenue, 9th Floor
New York, NY 10019
Tel. (212) 659-7748

I HEREBY CERTIFY that on this 2nd day of March 2007, a true and correct copy of the foregoing Answer to Notice of Opposition was served by first-class U.S. Mail upon counsel of record for Opposer:

Lisa M. Gigliotti
Vice President and Chief Trademark Counsel
L'Oreal Creative USA, Inc.
575 Fifth Avenue
New York, NY

By:



Elizabeth R. Hetmann

Title: Paralegal

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