

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

In re Application Serial No.78/891426  
Published in the *Official Gazette* on  
January 2, 2007

_____	)	
Vitamin World, Inc.	)	
	)	
Opposer.	)	
	)	
v.	)	Opposition No.: 91175386
	)	
Creation's Garden Natural Products, Inc.	)	
	)	
Applicant.	)	
_____	)	

ANSWER TO NOTICE OF OPPOSITION

Creation's Garden Natural Products, Inc., a California corporation, having its principal business location at 24887 Avenue Rockefeller, Valencia, California 91355 (hereinafter "Applicant"), is the applicant for pending registration of the mark whose serial number is 78/891426. Applicant answers the allegations presented in Opponent's Notice of Opposition to registration of the above said mark as follows:

1. Applicant lacks sufficient information and knowledge to admit or deny as a whole the allegations contained in paragraphs 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, and 15 of Opponent's Notice of Opposition, and on that basis denies the allegations contained therein.

**AFFIRMATIVE DEFENSES**

2. Opponent's registered trademark is substantially different from the pending mark which identifies Applicant's goods and there is no confusion as to source of the identified goods.

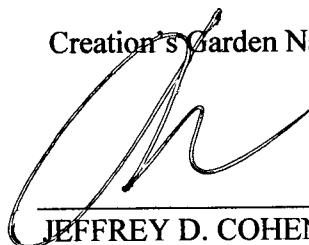
3. Opponent's use of the mark is wholly non-competitive with Applicant's described goods and Applicant's described goods would not create confusion as to the source of said goods.

WHEREFORE, Applicant prays that Opponent's Notice of Opposition be rejected and that Applicant's mark as claimed in its application for registration serial No.78/891426 be allowed to reach registration.

Please recognize Jeffrey D. Cohen, (a member of the bar of the State of California) as attorney for Applicant.

Respectfully submitted,

Creation's Garden Natural Products, Inc.



JEFFREY D. COHEN

Attorney for Applicant

P O Box 12865

La Jolla, California

92039-2865

(858) 558-8901

Dated: February 21, 2007

**CERTIFICATE OF MAILING AND SERVICE**

I, Jeffrey D. Cohen, declare that I am the Attorney of Record for Applicant in the attached ANSWER TO OPPONENT'S NOTICE OF OPPOSITION, and that my business address is P O Box 12865, La Jolla, California, 92039-2865, in the county of San Diego, within which county the subject mailing occurred;

On February 21, 2007 I mailed the following documents: ANSWER TO OPPONENT'S NOTICE OF OPPOSITION, placing copies in triplicate thereof in a separate envelope, sent via US Postal Service, Express Mail, number EB 24062505 us, addressed as follows:

Patent and Trademark Office  
Trademark Trial and Appeal Board - No Fee  
P O Box 14512900 Crystal Drive  
Alexandria, VA  
22313-1451

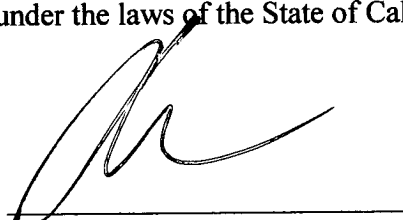
Also, on February 21, 2007 I mailed the following documents: ANSWER TO OPPONENT'S NOTICE OF OPPOSITION, by placing the one copy thereof in a separate envelope, addressed as follows:

Scott B. Fisher  
Kei Robert Hirasawa  
Jaspan Schlesinger Hoffman, LLP  
300 Garden City Plaza  
Garden City, N.Y. 11530

I then sealed each envelope with postage thereon fully prepaid, deposited each in the United States mail at San Diego, California, on February 21, 2007

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Executed on February 21, 2007



Jeffrey D. Cohen  
Attorney for Applicant