

1. Applicant lacks sufficient knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 1 and therefor denies them.

2. Applicant lacks sufficient knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 2 and therefor denies them.

3. Applicant lacks sufficient knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 3 and therefor denies them.

4. Applicant lacks sufficient knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 4 and therefor denies them.

5. Applicant admits the allegations of Paragraph 5.

6. Applicant denies the allegations of Paragraph 6.

7. Applicant lacks sufficient knowledge or information sufficient to form a belief as to the truth of the allegations of Paragraph 7 and therefor denies them.

8. Applicant denies the allegations of Paragraph 8.

9. Applicant denies the allegations of Paragraph 9.

10. Applicant denies the allegations of Paragraph 10.

AFFIRMATIVE DEFENSES

11. The Notice of Opposition fails to state a claim upon which relief may be granted.

12. Further investigation and discovery may reveal Opposer lacks standing upon which to oppose the registration.

13. Further investigation and discovery may reveal Opposer is barred by the doctrine of unclean hands.

14. Opposer is barred from asserting a claim against Applicant under the theories of laches, acquiescence and/or estoppel.

15. Opposer has abandoned any rights he may have had in his alleged marks through non use and/or through acts which cause the marks to lose their significance as an indication of origin and/or through failure to use the mark in connection with all of the goods set forth in Opposer's registrations and Applications for registration.

16. Opposer's alleged marks are not inherently distinctive, have not become distinctive, have attained no secondary meaning and are diluted.

17. There is no likelihood of confusion, mistake, deception or potential damages as alleged by Opposer because, inter alia, Opposer's alleged marks and Applicant's mark are different in sound, appearance, and connotation and for other reasons are not confusingly similar.

18. There is no likelihood of confusion, mistake, deception or potential damages as alleged by Opposer because, inter alia, Opposer does not have exclusive rights in the root term "ALPIN."

19. Applicant is unaware of any instances of actual confusion between Applicant and Opposer and/or Applicant's mark and any and all of the alleged marks of Opposer.

20. Applicant reserves the right to add additional affirmative defenses as they may become known during the course of this proceeding.

Respectfully submitted,

Date: May 2, 2007

By: 

DONN K. HARMS, ESQ.,
Attorney for Applicant

CERTIFICATE OF MAILING

I hereby certify that this APPLICANT'S ANSWER AND AFFIRMATIVE DEFENSES TO NOTICE OF OPPOSITION is being deposited with the United States Postal Service, postage fully prepaid, addressed to:

U.S. Patent and Trademark Office
P.O. Box 1451
Alexandria, VA 22313-1451

this 2nd day of May, 2007.


Karen Convery

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing APPLICANT'S ANSWER AND AFFIRMATIVE DEFENSES TO NOTICE OF OPPOSITION was served upon Opposer, ALPINA, TOVARNA OBUTVE, D.D., ZIRI, by mailing the same, first-class mail, to:

Marsha G. Gentner
JACOBSON HOLMAN, PLLC
400 Seventh Street, N.W.
Washington, D.C. 20004

this 2nd day of May, 2007.


Karen Convery