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

Proceeding	91178063
Party	Defendant Biopharmaceuticals, LLC
Correspondence Address	BIOPHARMACEUTICALS, LLC 885 LINCOLN AVENUE, 2ND FL VIOTIN PROD GLEN ROCK, NJ 07452 lpaul@cosmeticslaw.com
Submission	Answer
Filer's Name	Louis C. Paul
Filer's e-mail	lpaul@cosmeticslaw.com, trademarks@cosmeticslaw.com
Signature	/LCP/
Date	09/05/2007
Attachments	554-001-01 -- 2007.09.05 -- Answer to Notice of Opposition.pdf (4 pages) (152833 bytes)

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

In the Matter of Application Serial No. 77/006,460
Date of Application: September 25, 2006
Mark: PERFECTIN

KLEIN-BECKER IP HOLDINGS, LLC	:	Opposition No. 91178063
Opposer	:	
	:	
v.	:	
	:	
BIOPHARMACEUTICALS, LLC	:	
Applicant	:	

Answer To Notice of Opposition

Biopharmaceuticals, LLC (“Applicant”) by its attorney, Louis C. Paul & Associates, PLLC, in and for its Answer to the Notice of Opposition by Klein-Becker IP Holdings, LLC (“Opposer”) states and avers as follows:

1. Denies that Petitioner is being or will be damaged by U.S. Application Serial No. 77/006,460 for the mark PERFECTIN in International Class 003.

2. Denies knowledge or information sufficient to form a belief as to the truth or accuracy of the allegations contained in Paragraph 1 of the Notice of Opposition and accordingly denies same, except that Applicant admits (i) that the registration for the mark STRIVECTIN-SD (U.S. Reg. No. 2,760,414) is listed on the US Patent and Trademark Office (“USPTO”) web server with an issue date of September 2, 2003; (ii) that Opposer is listed as the Assignee for same, through an assignment recorded at Reel/Frame 3145/0181 and (iii) that the goods recited in Opposer’s U.S. Registration No. 2,760,414 are listed as “cosmetics, namely for the use of repairing existing stretch marks” in International Class 003.

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, except that Applicant admits (i) that the date of first use and the date of first use in interstate commerce as listed on U.S. Registration No. 2,760,414 is August 16, 2002.

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

that Applicant admits (i) that the registration for the mark STRIVECTIN (U.S. Reg. No. 3,175,013) is listed on the USPTO web server with an issue date of November 21, 2006; and (ii) that Opposer is listed as Registrant for same. Applicant denies that the goods recited in Opposer's U.S. Registration No. 3,175,013 are listed as "cosmetics, namely for the use of repairing existing stretch marks" in International Class 003.

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, except that Applicant admits (i) that the date of first use and the date of first use in interstate commerce as listed on U.S. Registration No. 3,175,013 is August 16, 2002.

6. With respect to the allegations in Paragraph 5 of the Notice of Opposition, admits that on September 25, 2006, Applicant Biopharmaceuticals, LLC filed United States Trademark Application Serial No. 77/006,460 for PERFECTIN in International Class 003 for "cosmetic creams for skin care."

7. With respect to the allegations in Paragraph 6 of the Notice of Opposition, admits that United States Trademark Application Serial No. 77/006,460 lists a date of first use of the PERFECTIN mark in interstate commerce of January 7, 2005.

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.

WHEREFORE, Registrant prays that the Board:

- (A) Deny the Opposition;
- (B) Allow Application Trademark Serial No. 77/006,460 to proceed to registration.

Respectfully submitted,



Dated: September 5, 2007

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

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

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 5th day of September 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:

Stephen H. Bean, Esq.
Associate General Counsel
1000 East William Street, Suite 204
Carson City, NV 89701



Joyce M. Mola