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

Proceeding	91182999
Party	Defendant Boyd, Michael
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Submission	Answer
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Date	04/23/2008
Attachments	Guthy-Renker Corp. v. Boyd-Applicant's Answer (4-23-2008).PDF (4 pages) (200111 bytes)

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

GUTHY-RENKER CORPORATION,	:	
	:	
Opposer,	:	Opposition No. 91182999
	:	
v.	:	Tmk. Appl. Serial Nos.
	:	
MICHAEL BOYD,	:	77/199,725 and 77/200,216
	:	
Applicant.	:	
	:	

APPLICANT'S ANSWER TO THE
CONSOLIDATED NOTICE OF OPPOSITION

Applicant, Michael Boyd, hereby answers the *Consolidated Notice of Opposition*, filed March 14, 2008, by Opposer, Guthy-Renker Corporation, as follows:

1. Applicant admits the allegations of Paragraph No. 1 of the *Consolidated Notice of Opposition*.
2. Applicant is aware that Opposer filed for extensions of time for filing a Notice of Opposition against each of U.S. Trademark Application Serial Nos. 77/199,725 and 77/200,216 on December 20, 2007, but lacks sufficient information to determine whether the requests for extensions of time were granted for a period sufficient to render the *Consolidated Notice of Opposition* as timely filed, and therefore Applicant denies the allegations of Paragraph No. 2 of the *Consolidated Notice of Opposition*.

3. Applicant lacks sufficient knowledge and information to form a belief as to the truth or accuracy of the allegations of Paragraph No. 3 of the *Consolidated Notice of Opposition* and therefore denies the same.

4. Applicant lacks sufficient knowledge and information to form a belief as to the truth or accuracy of the allegations of Paragraph No. 4 of the *Consolidated Notice of Opposition* and therefore denies the same.

5. Applicant admits that the filing basis of each of U.S. Trademark Application Serial Nos. 77/199,725 and 7/200,216 is “intent-to-use” under 15 U.S.C. §1051(b), however, Applicant lacks sufficient knowledge and information to form a belief as to the truth or accuracy of the remaining allegations of Paragraph No. 5 of the *Consolidated Notice of Opposition* and therefore denies all remaining allegations of Paragraph No. 5.

6. Applicant denies the allegations of Paragraph No. 6 of the *Consolidated Notice of Opposition*.

7. Applicant denies the allegations of Paragraph No. 7 of the *Consolidated Notice of Opposition*.

8. Applicant lacks sufficient knowledge and information to form a belief as to the truth or accuracy of the allegations of Paragraph No. 8 of the *Consolidated Notice of Opposition* and therefore denies the same.

9. Applicant lacks sufficient knowledge and information to form a belief as to the truth or accuracy of the allegations of Paragraph No. 9 of the *Consolidated Notice of Opposition* and therefore denies the same.

10. Applicant denies the allegations of Paragraph No. 10 of the *Consolidated Notice of Opposition*.

11. Applicant denies the allegations of Paragraph No. 11 of the *Consolidated Notice of Opposition*.

12. Applicant denies the allegations of Paragraph No. 12 of the *Consolidated Notice of Opposition*.

13. Applicant denies the allegations of Paragraph No. 13 of the *Consolidated Notice of Opposition*.

Affirmative Defense

Applicant hereby asserts the following affirmative defense to the allegations set forth in the *Consolidated Notice of Opposition*:

The term “VITAPOWER” is a weak term entitled to only a very narrow scope of protection, if entitled to any trademark protection at all, thereby limiting Opposer’s rights and rendering any confusion between Opposer’s trademarks, as alleged in the *Consolidated Notice of Opposition*, and those of Applicant, when applied to the respective goods of the parties, unlikely.

WHEREFORE, Applicant, Michael Boyd, respectfully requests that the *Consolidated Notice of Opposition* filed against the trademarks of Trademark Application Serial Nos. 77/199,725 and 77/200,216 be dismissed.

Respectfully submitted,

MICHAEL BOYD

By 
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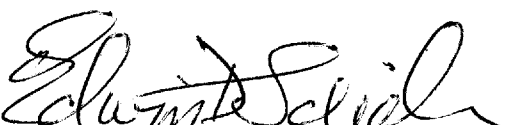
April 23, 2008

CERTIFICATE OF SERVICE

I, Edwin D. Schindler, hereby certify that I serve a true and complete copy of *Applicant's Answer to Notice of Consolidated Opposition* upon the following attorney representing Opposer, via e-mail at "dan@cislo.com" and via First-Class Mail, postage-prepaid:

Daniel M. Cislo
Cislo & Thomas, LLP
1333 – 2nd Street, Suite 500
Santa Monica, California 90401-4110

on April 23, 2008.


Edwin D. Schindler