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Filing date: **11/21/2008**

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

Proceeding	91186980
Party	Defendant Jarrow Formulas, Inc.
Correspondence Address	MARK D GIARRATANA MCCARTER & ENGLISH, LLP 185 ASYLUM STREET, CITYPLACE 1 HARTFORD, CT 06103-3495 mgiarratana@mccarter.com
Submission	Answer
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Date	11/21/2008
Attachments	97728.00339 ANSWER in '980 opposition.pdf (3 pages)(79277 bytes)

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

DR FORD ALBRITTON IV)	
)	Opposition No. 91186980
Opposer,)	
v.)	Serial No. 78/892,606
)	
JARROW FORMULAS, INC)	Mark: SUSTAIN
)	
Applicant.)	November 21, 2008

APPLICANT’S ANSWER TO NOTICE OF OPPOSITION

Applicant Jarrow Formulas, Inc. (“JFI” or “Applicant”), a corporation organized under the laws of California, by and through its attorneys answers the Notice of Opposition in connection with the above-referenced matter. With respect to the grounds for the Notice of Opposition, Applicant responds as follows:

Grounds for Opposition

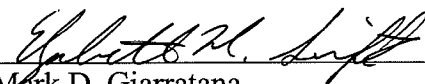
1. Applicant admits the allegations of Paragraph 1 of the Notice of Opposition.
2. Applicant denies the allegation of Paragraph 2 to the extent that it asserts that Applicant’s specimen in the instant application does not display use of the mark SUSTAIN or does not depict use of both marks SUSTAIN and NAC SUSTAIN. The allegation of paragraph 2 is otherwise admitted.
3. Applicant denies the allegation of Paragraph 3.
4. Applicant denies the allegation of Paragraph 4.
5. Applicant denies the allegation of Paragraph 5.
6. Applicant denies the allegation of Paragraph 6.
7. Applicant admits the allegations of Paragraph 7.
8. Applicant admits the allegation of Paragraph 8.

WHEREFORE Applicant prays that this Opposition be dismissed and that the present application proceed to registration.

If any fees are required by this paper, or if necessary to cover any deficiency in fees already paid or extension fees which may be required, or to credit any overpayment, authorization is given to charge or credit deposit account no. 50-2639.

Respectfully submitted,

Date: November 21, 2008

By: 
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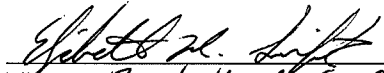
Attorneys for Applicant
Jarrow Formulas, Inc.

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION was sent via electronic mail, with the consent of the Opposer's counsel, on this 21st day of November 2008, to:

Robert D. McCutcheon (rmccutcheon@munckcarter.com)
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