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Filing date: **05/11/2009**

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

Proceeding	91189514
Party	Defendant Good Source Solutions, Inc.
Correspondence Address	MARNIE WRIGHT BARNHORST, ESQ. THE TRADEMARK GROUP, APLC 1200 PROSPECT ST STE G100 LA JOLLA, CA 92037-3608  usdocketing@trademarkgroup.com
Submission	Answer
Filer's Name	Nicholas S. Barnhorst, Esq.
Filer's e-mail	usdocketing@trademarkgroup.com, tpelan@trademarkgroup.com, nbarnhorst@trademarkgroup.com
Signature	/NSB/
Date	05/11/2009
Attachments	NUTRI-CAL - NUTRINATE, DrugTech Corporation - 05-11-09 ANSWER.pdf ( 4 pages )(206559 bytes )

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

DrugTech Corporation	)	Opposition No. 91189514
	)	
Opposer.	)	In the matter of Application
	)	Serial No. 77/530379
	)	Mark: NUTRI-CAL
vs.	)	Published in the <i>Official Gazette</i> on
	)	September 7, 2009
	)	
	)	
Good Source Solutions, Inc.	)	
	)	
Applicant.	)	
	)	
	)	
	)	

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Box TTAB  
NO FEE  
Commissioner for Trademarks  
P.O. Box 1451  
Alexandria, VA 22313-1451

I.

ANSWER

Good Source Solutions, Inc. ("Applicant") alleges for its answer and affirmative defenses to the Opposition of its mark **NUTRI-CAL** by DrugTech Corporation ("DrugTech") as follows:

1. Applicant admits the allegations of paragraph 1 of the opposition.
2. Applicant admits the allegations of paragraph 2 of the opposition.
3. Applicant admits the allegations of paragraph 3 of the opposition
4. Applicant lacks sufficient knowledge or information to form a belief as to

the truth of the allegations of paragraph 4 of the opposition and denies the allegations contained

therein on that basis.

5. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 5 of the opposition and denies the allegations contained therein on that basis.

6. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 6 of the opposition and denies the allegations contained therein on that basis.

7. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 7 of the opposition and denies the allegations contained therein on that basis.

8. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 8 of the opposition and denies the allegations contained therein on that basis.

9. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 9 of the opposition and denies the allegations contained therein on that basis.

10. Applicant denies the allegations of paragraph 10 of the opposition.

11. Applicant lacks sufficient knowledge or information to form a belief as to the truth of the allegations of paragraph 11 of the opposition and denies the allegations contained therein on that basis.

12. Applicant denies the allegations of paragraph 12 of the opposition.

13. Applicant admits the allegations of paragraph 13 of the opposition.

14. Applicant denies the allegations of paragraph 14 of the opposition.

15. Applicant denies the allegations of paragraph 15 of the opposition.

III.

AFFIRMATIVE DEFENSES

1. Applicant alleges that the opposition is barred by the doctrine of unclean hands.
2. Applicant alleges that the opposition is barred by the doctrine of laches and acquiescence.

WHEREFORE, Applicant prays that DrugTech take nothing by way of its opposition and prays that the opposition be dismissed or a judgment entered against DrugTech and that Applicant's registration proceed to issue.

Respectfully submitted,

Dated: MAY 11, 2009

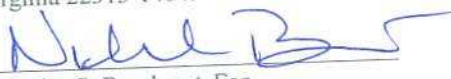
  
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Nicholas S. Barnhorst, Esq.

Marnie Wright Barnhorst, Esq.  
Nicholas S. Barnhorst, Esq.  
The Trademark Group, APLC  
1200 Prospect Street, Suite G100  
La Jolla, California 92037  
Telephone: (858) 456-4801  
Facsimile: (858) 456-4802  
Email: usdocketing@trademarkgroup.com

Attorneys for Applicant

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing ANSWER has been served on Bryce J. Maynard by mailing said copy on this 11 day of May 2009 via first-class mail, postage prepaid, to: Buchanan Ingersoll & Rooney PC, P.O. Box 1404, Alexandria Virginia 22313-1404.

  
Nicholas S. Barnhorst, Esq.