

ESTTA Tracking number: **ESTTA326680**

Filing date: **01/13/2010**

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

Proceeding	91193071
Party	Defendant Advanced Neuromodulation Systems, Inc.
Correspondence Address	MICHELE P. SCHWARTZ ANDREWS KURTH LLP 1717 MAIN ST STE 3700 DALLAS, TX 75201-7301 UNITED STATES
Submission	Answer
Filer's Name	Michele P. Schwartz
Filer's e-mail	mschwartz@akllp.com, kneal@akllp.com, mallen@akllp.com
Signature	/Michele P. Schwartz/
Date	01/13/2010
Attachments	AccuRoute (2).pdf (5 pages)(105691 bytes)

6. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 6 of the Notice of Opposition and therefore, denies same.

7. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 7 of the Notice of Opposition and therefore, denies same.

8. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 8 of the Notice of Opposition and therefore, denies same.

9. Applicant admits that it filed Application Serial No. 77/768,616 on June 25, 2009. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the remaining allegations contained in paragraph 9 of the Notice of Opposition and therefore, denies same.

10. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 10 of the Notice of Opposition and therefore, denies same.

11. Applicant lacks knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 11 of the Notice of Opposition and therefore, denies same.

12. Applicant admits to filing an application for the mark PRODIGY as alleged in paragraph 12 of the Notice of Opposition. Applicant denies the remaining allegations contained therein.

13. Applicant denies the allegations contained in paragraph 13 of the Notice of Opposition.

14. Applicant denies the allegations contained in paragraph 14 of the Notice of Opposition.

15. Applicant denies the allegations contained in paragraph 15 of the Notice of Opposition.

16. Applicant denies the allegations contained in paragraph 16 of the Notice of Opposition.

17. Applicant denies the allegations contained in paragraph 17 of the Notice of Opposition.

18. Applicant denies the allegations contained in paragraph 18 of the Notice of Opposition.

19. Applicant denies the allegations contained in paragraph 19 of the Notice of Opposition.

20. Applicant denies the allegations contained in paragraph 20 of the Notice of Opposition.

21. Applicant denies the allegations contained in paragraph 21 of the Notice of Opposition.

22. Applicant denies the allegations contained in paragraph 22 of the Notice of Opposition.

23. Applicant denies the allegations contained in paragraph 23 of the Notice of Opposition.

24. Applicant denies the allegations contained in paragraph 24 of the Notice of Opposition.

25. Applicant denies the allegations contained in paragraph 25 of the Notice of Opposition.

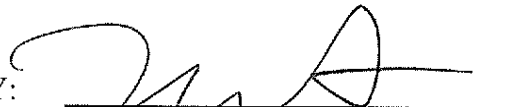
26. To the extent paragraph 26 of the Notice of Opposition contains an allegation that Application Serial No. 77/674,677 should be rejected, Applicant denies said allegation.

27. To the extent paragraph 27 contains an allegation that Opposer is entitled to any relief whatsoever, Applicant denies said allegation.

WHEREFORE, Applicant respectfully requests that Opposition No. 91193071 be dismissed with prejudice and that the Patent and Trademark Office register Applicant' mark that is the subject of Application Serial No. 77/768,616.

Respectfully submitted,

BY:



Michele P. Schwartz

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Dated: January B, 2010

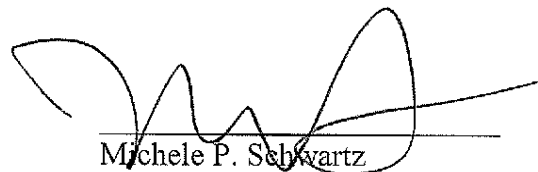
**ATTORNEY FOR APPLICANT
ADVANCED NEUROMODULATION
SYSTEMS, INC.**

CERTIFICATE OF SERVICE

The undersigned hereby certifies that a copy of the foregoing Answer to Notice of Opposition has been served by first-class United States mail, postage prepaid, this 13th day of January, 2010, upon the Attorneys for Opposer at the following address:

William S. Fultz
William B. Cannon
Parker Poe Adams & Bernstein LLP
150 N. Fayetteville Street, Suite 1400
Raleigh, North Carolina 27601

and that the same document was filed electronically on the same day with the TTAB via ESTAA.


Michele P. Schwartz