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

Proceeding	91209869
Party	Defendant Calvert Enterprises, Inc.
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Submission	Answer
Filer's Name	Konrad Gatien
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Signature	/s/
Date	05/29/2013
Attachments	Answer (91209869).pdf(36795 bytes)

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

In re: Application Serial No. 85/661,456
Mark: MDINSIDER
Filed: June 26, 2012
Published on November 20, 2012

Ares Trading S.A.,	)	
	)	Opposition No. 91209869
Opposer,	)	
	)	
v.	)	
	)	
Calvert Enterprises, Inc.,	)	
	)	
Applicant.	)	
	)	

ANSWER

Applicant, Calvert Enterprises, Inc. ("Applicant"), answers the Notice of Opposition as follows:

Answering the allegations set forth in the introduction of the Notice of Opposition filed by Opposer, Ares Trading S.A. ("Opposer"), that relate to the identity, place of incorporation and other details relating to Opposer, Applicant is without sufficient knowledge or information to form a belief as to the truth and accuracy of the allegations therein, and, on that basis, denies each and every such allegation. Strict proof is demanded at trial.

Answering the allegations set forth in the introduction of the Notice of Opposition that relate to Opposer's statement that it "believes that it will be damaged by registration of the mark shown in Application No. 85/661456," Applicant is without sufficient knowledge or

information to form a belief as to the truth and accuracy of the allegations therein, and, on that basis, denies each and every such allegation. Strict proof is demanded at trial.

Responding *in seriatim* to the numbered paragraphs of Opposer's Notice of Opposition, Applicant responds as follows:

1. Answering Paragraph 1 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained therein, and, on that basis, denies each and every such allegation. Strict proof is demanded at trial.

2. Answering Paragraph 2 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained therein, and, on that basis, denies each and every such allegation. Strict proof is demanded at trial.

3. Answering Paragraph 3 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained therein, and, on that basis, denies each and every such allegation. Strict proof is demanded at trial.

4. Answering Paragraph 4 of the Notice of Opposition, Applicant admits that on or about June 26, 2012, it caused to be filed with the United States Patent and Trademark Office its application for MDINSIDER (Ser. No. 85/661,456) on an intent-to-use basis for "Providing on-line publications in the nature of electronic books, newsletters, journals, periodicals, articles, brochures, blogs in the field of medicine; Production of television programs" in International Class 041 ("Applicant's Mark") and that Applicant has taken

steps in the research and development of said services; except as expressly so admitted, Applicant denies the remaining allegations contained in this paragraph.

5. Answering Paragraph 5 of the Notice of Opposition, Applicant admits that on or about June 26, 2012, it caused to be filed with the United States Patent and Trademark Office its application for MDINSIDER (Ser. No. 85/661,456) on an intent-to-use basis for "Providing on-line publications in the nature of electronic books, newsletters, journals, periodicals, articles, brochures, blogs in the field of medicine; Production of television programs" in International Class 041.

6. Answering Paragraph 6 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained therein, and, on that basis, denies each and every such allegation. Strict proof is demanded at trial.

7. Answering Paragraph 7 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained therein, and, on that basis, denies each and every such allegation. Strict proof is demanded at trial.

8. Answering Paragraph 8 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained therein, and, on that basis, denies each and every such allegation. Strict proof is demanded at trial.

9. Answering Paragraph 9 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the

allegations contained therein, and, on that basis, denies each and every such allegation. Strict proof is demanded at trial.

10. Answering Paragraph 10 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained therein, and, on that basis, denies each and every such allegation. Strict proof is demanded at trial.

11. Answering Paragraph 11 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained therein, and, on that basis, denies each and every such allegation. Strict proof is demanded at trial.

12. Answering Paragraph 12 of the Notice of Opposition, Applicant is without knowledge or information sufficient to form a belief as to the truth and accuracy of the allegations contained therein, and, on that basis, denies each and every such allegation. Strict proof is demanded at trial.

WHEREFORE, Petitioner prays for judgment dismissing Opposer's Notice of Opposition and permitting registration of Applicant's Mark.

Respectfully submitted,

Dated: May 29, 2013

Konrad K. Gatien, of
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CERTIFICATE OF SERVICE

I hereby certify that on May 29, 2013, I served the following document(s):

Answer

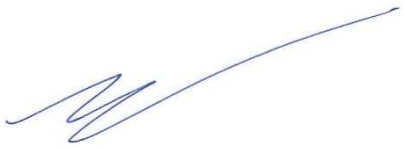
upon counsel for Opposer named below:

Robert B.G. Horowitz, Esq.
Baker & Hostetler LLP
45 Rockefeller Plaza, 14th Floor
New York, NY 10111

by causing a true and correct copy thereof to be placed in a sealed envelope, postage prepaid, in First Class U.S. mail, for collection and mailing with the United States Postal Service on the same date.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed on May 29, 2013, at Los Angeles, California.



Konrad Gatien