

ESTTA Tracking number: **ESTTA13591**

Filing date: **08/18/2004**

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

Proceeding	92043143
Party	Defendant Aromatic Research & Technology, LLC. d/b/a Young Living Essential Oils Aromatic Research & Technology, LC. 250 South Main Street Payson, UT 84651
Correspondence Address	John C Stringham Workman Nydegger 60 East South Temple, 1000 Eagle Gate Twr Salt Lake City, UT 84111
Submission	Answer
Filer's Name	John C. Stringham
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Signature	/John C. Stringham 40,831/
Date	08/18/2004
Attachments	16060 Answer.tif (4 pages)

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

In the matter of Trademark Registration No. 2,711,341
Registration Date: April 29, 2003
For the Mark: "FIBERZYME"

AGRIGENIC FOOD CORPORATION d/b/a)
BIOTEC FOODS)
)
Opposer,)
)
)
v.)
)
AROMATIC RESEARCH & TECHNOLOGY, LLC)
d/b/a YOUNG LIVING ESSENTIAL OILS)
a Utah corporation)
)
Applicant.)
)

Cancellation No. 92043143

BOX: TTAB NO FEE
Commissioner for Trademarks
2900 Crystal Drive
South Tower Building – 9th Floor
Arlington, Virginia 22202-3513

ANSWER TO PETITION TO CANCEL

Aromatic Research & Technology, LLC d/b/a Young Living Essential Oils, organized and existing under the laws of the State of Utah, and having a principal place of business at 3125 West Executive Parkway, Lehi, Utah, 84043, ("Registrant") for its Answer to the Petition to Cancel filed by Agrigenic Food Corporation d/b/a Biotec Foods ("Petitioner") against the registration of the trademark "FIBERZYME", United States Trademark Registration No.

2,711,341. Any allegation in Agrigenic Food Corporation's Petition not specifically admitted herein is denied. Registrant hereby, pleads, denies, and alleges as follows:

1. Registrant denies the allegations of paragraph 1 of the Petition.
- 2.a. Registrant is without sufficient information to admit or deny the allegations contained in paragraph 2.a of the Petition to Cancel and, therefore, denies the same.
- 2.b. Registrant is without sufficient information to admit or deny the allegations contained in paragraph 2.b of the Petition to Cancel and, therefore, denies the same.
- 2.c. Registrant is without sufficient information to admit or deny the allegations contained in paragraph 2.c of the Petition to Cancel and, therefore, denies the same.
- 2.d. Registrant is without sufficient information to admit or deny the allegations contained in paragraph 2.d of the Petition to Cancel and, therefore, denies the same.
- 2.e. Registrant denies the allegations of paragraph 2.e of the Petition.
- 2.f. Registrant admits any alleged infringement is innocent. Registrant is without sufficient information to admit or deny the remaining allegations contained in paragraph 2.f of the Petition to Cancel and, therefore, denies the same.

AFFIRMATIVE DEFENSES

1. The Petition to Cancel fails to state a cause of action for which relief can be granted.
2. There is no likelihood of confusion between Registrant's trademark "FIBERZYME" and Petitioner's Fiberzyme marks.
3. Petitioner is not likely to be damaged by continued registration of Registrant's mark and, therefore, lacks standing to petition for cancellation.

4. Any rights of Petitioner in its "FIBERZYME" mark are limited and narrow in scope of protection and, therefore, there is no likelihood of confusion between Opposer's mark and the mark of the Registrant.

WHEREFORE, Registrant respectfully requests that the Petition to Cancel be denied and that judgment be entered in favor of Registrant.

All correspondence and telephonic communications should be directed to:

John C. Stringham, Reg. No. 40,831
WORKMAN NYDEGGER
1000 Eagle Gate Tower
60 East South Temple Street
Salt Lake City, Utah 84111
Telephone: (801) 533-9800

Dated this 18 day of August, 2004.

Respectfully submitted,



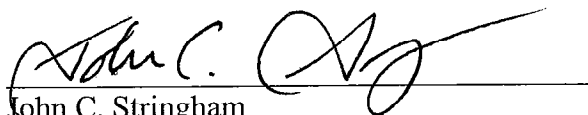
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ATTORNEY FOR AROMATIC RESEARCH &
TECHNOLOGY, LC (UTAH CORPORATION),
DBA YOUNG LIVING ESSENTIAL OILS

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that on this 18 day of August, 2004, a true and correct copy of the foregoing ANSWER TO PETITION TO CANCEL FOR CANCELLATION OF REG. NO. 2,711,341 has been provided by U.S. First Class mail in an envelope addressed to:

Robert G. Kavanaugh
Agrigenic Food Corporation
d/b/a Biotec Foods
152 Bolsa Avenue, Suite 101
Huntington Beach, CA 92649,



John C. Stringham
Attorney for Registrant