

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

In Re Trademark Application Serial No. 76675871

Filed: April 23, 2007

For the Mark: MENO LEVE

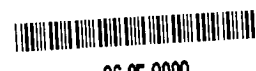
Published in the Official Gazette on December 18, 2007

BAYER HEALTHCARE, LLC)	
Opposer,)	
v.)	OPPOSITION NO. 91183881
BEYOND TIME COSMETICS,)	
Applicant.)	
_____)	

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

APPLICANT'S ANSWER TO NOTICE OF OPPOSITION

Applicant, BEYOND TIME COSMETICS, for its Answer to the Notice of Opposition filed by Bayer Healthcare, LLC, against the Applicant for registration of the trademark MENO LEVE, as set forth in application serial number 76/675,871 filed April 23, 2007 and published in the Official Gazette on December 18, 2007, pleads and avers as follows;



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1. Applicant admits that the Opposer has obtained the necessary extensions of time to oppose the challenged trademark following publication on December 18, 2007 in the Official Gazette.

2. Applicant admits filing an application to register the mark MENO LEVE for "skin and body creams" in International Class 3.

3. Applicant admits that it is a New York corporation whose address is P.O. Box 1010, Bronxville, New York 10708.

4. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph (4) of the Notice of Opposition.

5. Applicant denies each and every allegation set forth in paragraph (5) of the Notice of Opposition.

6. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph (6) of the Notice of Opposition.

7. Applicant is without knowledge or information sufficient to form a belief as to the allegations set forth in paragraph (7) of the Notice of Opposition.

8. Applicant denies each and every allegation set forth in paragraph (8) of the Notice of Opposition.

9. Applicant denies each and every allegation set forth in paragraph (9) of the Notice of Opposition.

10. Applicant denies each and every allegation set forth in paragraph (10) of the Notice of Opposition.

11. Applicant denies each and every allegation set forth in paragraph (11) of the Notice of Opposition.

12. Applicant denies each and every allegation set forth in paragraph (12) of the Notice of Opposition.

13. Applicant denies each and every allegation set forth in paragraph (13) of the Notice of Opposition.

FIRST AFFIRMATIVE DEFENSE

There is no likelihood of confusion between applicant's mark for the goods recited in its application and the opposer's mark for the goods recited in its registration.

SECOND AFFIRMATIVE DEFENSE

Applicant's mark "MENO LEVE" for skin and body creams in International Class 3 is not confusingly similar to opposer's mark "ALEVE" for anti-inflammatory, analgesic, and antipyretic pharmaceutical preparations in International Class 5.

In view of the foregoing, Applicant submits that this opposition is groundless and baseless in fact; that opposer has not shown how it is likely to be damaged by Applicant's registration since Applicant's trademark relates to distinctly different goods than those recited in opposer's registration and, therefore, its opposition should be dismissed and Applicant granted registration for its mark.


BEYOND TIME COSMETICS

Dated: June 2, 2008


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Certificate of Service

I hereby certify that a copy of the foregoing APPLICANT'S ANSWER TO NOTICE OF OPPOSITION was mailed first-class mail, postage prepaid, to Chelseaa E. L. Bush, Heller & Ehrman, LLP, Attorneys for Opposer, 333 Bush Street, San Francisco, CA 94104, on this 2nd day of June, 2008.


James W. Badie
Attorney for Applicant