

TTAB

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

In the Matter of:  
Mark: RENEWAL NO-SANDING FORMULA  
Serial No: 75/857,814  
Our Docket: FLTZ 7 00139

09-19-2002  
U.S. Patent & TMO/c/TM Mail Rpt Dt. #71

ANDERSON CORPORATION,  
  
Opposer,  
  
v.  
  
THE FLECTO COMPANY, INC.,  
  
Applicant.

Opposition No. 91/152,421

TRADEMARK TRIAL AND  
APPEAL BOARD  
02 SEP 25 PM 9:44

I hereby certify that this correspondence is being deposited  
with the United States Postal Service as first class mail in  
an envelope addressed to Assistant Commissioner for Trade-  
marks, 2800 Crystal Drive, Arlington, VA 22202-3513,  
on 09/17/02

ANSWER

Nancy M. Mans  
(SIGNATURE)  
September 17, 2002

Box TTAB  
Asst. Commissioner of Trademarks  
2900 Crystal Drive  
Arlington, VA 22202-3513

Dear Sir:

The Flecto Company, Inc. ("Applicant") hereby answers the Notice of Opposition by Andersen Corporation ("Opposer") as follows, by paragraph:

1. Applicant admits this averment.
2. Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment and therefore denies it. In addition, Applicant specifically denies that Opposer owns or uses any "RENEWAL marks" and hereby repeats this denial for all paragraphs of the Notice of Opposition that reference "RENEWAL marks."

3. Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment and therefore denies it.

4. Applicant admits that Registration No. 2,077,925 indicates on its face that it was filed on May 18, 1995 and was registered on July 8, 1997 for the services set forth in paragraph 4 of the Notice of Opposition, but Applicant is without knowledge or information sufficient to form a belief as to the remaining portions of this averment.

5. Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment and therefore denies it.

6. Applicant admits that Registration No. 2,238,186 indicates on its face that it was filed on March 16, 1999 and was registered on April 4, 2000 for the services set forth in paragraph 6 of the Notice of Opposition, but Applicant is without knowledge or information sufficient to form a belief as to the remaining portions of this averment.

7. Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment and therefore denies it.

8. Applicant admits that Registration No. 2,332,422 indicates on its face that it was filed on April 9, 1999 and was registered on March 21, 2000 for the goods set forth in paragraph 8 of the Notice of Opposition, but Applicant is without knowledge or information sufficient to form a belief as to the remaining portions of this averment.

9. Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment and therefore denies it.

10. Upon information and belief, Registration No. 2,243,149 was filed on September 25, 1996 and registered on May 4, 1999 and recites the goods and services set forth in

paragraph 10 of the Notice of Opposition, however Applicant is without knowledge or information sufficient to form a belief as to the remaining portions of this averment.

11. Applicant is without knowledge or information sufficient to form a belief as to the truth of the portion of this averment relating to use by Opposer and value to Opposer and Applicant denies the remaining portions of this averment.

12. Applicant admits that application Serial No. 75/857,814 was filed based on an intention to use the mark in commerce, but Applicant denies the remaining portions of this averment.

13. Applicant is without knowledge or information sufficient to form a belief as to the truth of this averment and therefore denies it.

14. Applicant denies this averment.

15. Applicant denies the first and second sentences of this averment; Applicant is without knowledge or information sufficient to form a belief as to the truth of the averment in the third sentence; Applicant is unable to form a belief as to the truth of the fourth sentence in that the meaning of "this market" is unclear and therefore denies the same; and Applicant denies the remaining portions of this averment.

16. Applicant admits that its products are sold to residential consumers, but Applicant is without knowledge or information sufficient to form a belief as to the remaining portions of this averment.

17. Applicant assumes that Opposer's averment in this paragraph is directed to application Serial No. 75/857,814 and, based on this assumption, admits that the application

includes the disclaimer of "NO-SANDING FORMULA," but Applicant denies the remaining portions of this averment.

18. Applicant denies this averment.

19. Applicant denies this averment.

20. Applicant denies this averment.

21. Applicant denies this averment.

22. Applicant admits that the registration of application Serial No. 75/857,814 would provide the rights recited in this averment, but Applicant denies the remaining portion of this averment.

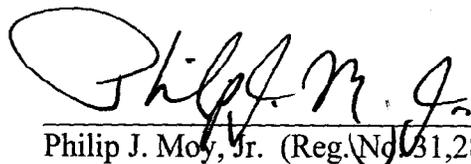
23. Applicant denies this averment.

WHEREFORE, Applicant prays for the dismissal of this opposition and the registration of its mark.

Respectfully submitted,

FAY, SHARPE, FAGAN, MINNICH  
& McKEE, LLP

By:



Philip J. Moy, Jr. (Reg. No. 31,280)  
Gregory S. Vickers (Reg. No. 45,180)  
1100 Superior Avenue - Seventh Floor  
Cleveland, Ohio 44114  
Telephone: (216) 861-5582  
Facsimile: (216) 241-1666

Attorneys for Applicant  
The Flecto Company, Inc.

**CERTIFICATE OF SERVICE**

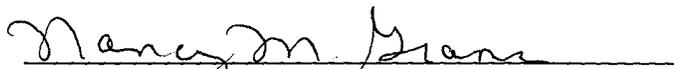
I hereby certify that a true copy of the foregoing ANSWER was sent by ordinary First

Class, U.S. Mail, postage prepaid, to:

Scott W. Johnston  
MERCHANT & GOULD P.C.  
80 South Eighth Street - Suite 3200  
Minneapolis, Minnesota 55402-2215

Attorneys for Opposer  
Andersen Corporation

this 17th day of September, 2002.

  
\_\_\_\_\_  
Nancy M. Grams