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01-16-2003

U.S. Patent & TMO/c/TM Mail RcptDt. #30

TRADEMARK

Docket No. P622:110.2*1

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

WALTERS GARDENS, INC.)	Opposition No. 91153755
)	
)	ANSWER TO NOTICE OF
vs.)	OPPOSITION
)	
PRIDE OF PLACE PLANTS, INC.)	Mark: PIILU
)	Serial Nos.: 76/201,447
)	Filed: January 29, 2001
)	
)	

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Applicant Pride of Place Plants, Inc., a Canadian corporation having a place of business at 674 Cromarty Avenue, Sidney, British Columbia V8L 5G6 Canada ("Applicant" or "PPP"), submits its Answer to Opposer Walters Gardens, Inc.'s ("Opposer" or "Walters") Notice of Opposition in the above-identified Opposition. The numbers of the following paragraphs correspond to the paragraph numbers in the Notice of Opposition:

1. Applicant denies the allegations contained in Paragraph 1 of the Notice of Opposition.
2. Applicant denies the allegations contained in Paragraph 2 of the Notice of Opposition.
3. Applicant admits the allegations contained in Paragraph 3 of the Notice of Opposition.
4. Applicant denies the allegations contained in Paragraph 4 of the Notice of Opposition.

Opposition No. 91153755

5. Applicant denies the allegations contained in Paragraph 5 of the Notice of Opposition.

6. The allegations contained in Paragraph 6 of the Notice of Opposition are vague, ambiguous and unintelligible regarding the phrase "...the particular cultivar..." Applicant is therefore prevented from forming a belief as to the truth of the allegations, and therefore denies the allegations. Applicant denies all remaining allegations contained in Paragraph 6 of the Notice of Opposition.

7. The allegations contained in Paragraph 7 of the Notice of Opposition are vague, ambiguous and unintelligible regarding the phrase "...obtaining patent protection *on the variety...*" (emphasis added). Applicant is therefore prevented from forming a belief as to the truth of the allegations, and therefore denies the allegations. Applicant denies all remaining allegations contained in Paragraph 7 of the Notice of Opposition.

8. Applicant denies the allegations contained in Paragraph 8 of the Notice of Opposition.

9. Applicant is without knowledge or sufficient information to form a belief as to the truth of the allegations contained in Paragraph 9 of the Notice of Opposition, and therefore denies the allegations.

AFFIRMATIVE DEFENSES

1. Opposer is barred from the relief sought by the equitable doctrines of laches, acquiescence and estoppel.

Opposition No. 91153755

WHEREFORE, Applicant requests that this opposition be dismissed with prejudice and that United States Trademark Application Serial No. 76/201,447 issue as a registration.

DATED: January ¹³ __, 2003

Respectfully submitted by,

CHRISTIE, PARKER & HALE, LLP

By: *Gary J. Nelson*
Gary J. Nelson

CHRISTIE, PARKER & HALE, LLP
350 W. Colorado Blvd., Suite 500
P. O. Box 7068
Pasadena, California 91109-7068
Telephone: (626) 795-9900

Attorneys for Applicant

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Opposition No. 91153755

CERTIFICATE OF MAILING AND SERVICE

I certify that on January 13, 2003, the foregoing **ANSWER TO NOTICE OF OPPOSITION** is being deposited with the United States Postal Service by first-class mail addressed to:

Box TTAB
NO FEE
Assistant Commissioner for Trademarks
2900 Crystal Drive
Arlington, VA 22202-3513

It is further certified that on January 13, 2003, the foregoing **ANSWER TO NOTICE OF OPPOSITION** is being served by mailing a copy thereof by first-class mail addressed to:

Barry C. Kane
Miller, Johnson, Snell & Cummiskey, P.L.C.
P.O. Box 306
250 Monroe Avenue, N.W.
800 Calder Plaza Building
Grand Rapids, MI 49501-0306

Attorneys for Opposer

By: 
Beth Lavalley
Christie, Parker & Hale, LLP
(626) 795-9900